

SENATE—Friday, May 7, 1993

(Legislative day of Monday, April 19, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray:

*** "Suffer little children, and forbid them not, to come unto me: for of such is the kingdom of heaven."—Matthew 19:14.

Gracious Father in Heaven, we pray for the children of our Nation who so often are hostage to the worst that is in our society. We pray for the multitudes who have been abandoned, who wander our city streets. We pray for those who are the victims of violence, who find no safe haven in school or even in the home. We pray for those who are victims of abuse and often feel themselves responsible for it. We pray for the youth who are tempted by drugs and sex and find themselves victims of those ready to exploit them.

Loving Lord, we pray for parents who take seriously their responsibility to their children, that Thou wilt guide them in their parental duties. Thank You for fathers and mothers who appreciate the privilege and blessing of their children. May we all heed the words of Jesus:

*** "Suffer little children, and forbid them not, to come unto me: for of such is the kingdom of heaven."—Matthew 19:14.

In His name we pray. 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 7, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FEINGOLD 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.

NATIONAL VOTER REGISTRATION ACT OF 1993—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the conference report accompanying H.R. 2, which the clerk will report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 2, an act to establish national voter registration procedures for Federal elections and for other purposes.

The Senate resumed consideration of the conference report.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, while we now have the conference report on the National Voter Registration Act of 1993 before us, I would like to point out to the Chair, and for that matter to people in the country, that we have been working on this piece of legislation for 2 years. I believe for certain a significant majority of the Senate, certainly Democrats, and I hope some Republicans as well, are ready to vote.

If there is an operational definition of gridlock, then I think this is the definition: 2 years of work, legislation that is good Government legislation, a bill that enables Americans to register and vote, reaches out, makes sure that we have some kind of uniform standard, strong focus on motor-voter and some agency-based registration, modeled after a number of different States, including the State of Wisconsin and my State of Minnesota, with hardly really any debate about it around the country and many, many positive editorials.

I think that Senator FORD, the distinguished whip, has received a great deal of respect for his work on this piece of legislation, and Senator HATFIELD, from Oregon. They have taken a bipartisan approach. Other Senators have been very interested. There is a broad coalition of good Government, civil rights—you name it—league of women voters organizations, all have endorsed this piece of legislation. We are still waiting.

Now, my impression is that there will be some other Senators who want

to speak. Presumably, the Republicans will be out on the floor. But this is the true definition of gridlock: 2 years of work and we now have the conference report. We still do not have a time agreement. We could vote on this piece of legislation today, and we should vote on this piece of legislation today.

I would call it a political game. That is what it is. Frankly, I think those who continue to engage in this kind of obstructionism are playing a dangerous game because pretty soon people in the country are going to catch on that whether or not it is the economy and jobs, or whether it is voter registration or campaign finance reform, it is going to be back on the floor of the Senate. And then eventually we are going to have health care. Over and over and over again, I fear, Mr. President, we are going to see the same pattern. Here we are, Friday morning. I do not see anybody on the floor. We have the conference report. We are ready to vote on it; 2 years of work; broad base of support.

This legislation says that we are going to make sure that we reach out and play a positive, affirmative role—motor-voter, agency-based registration—to make it easier for citizens to register and vote. That is called democracy.

I cannot for the life of me even figure out what the opposition is. We have heard all of these arguments. We have debated and debated and debated and debated and debated. I do not know, how many cloture votes have we had? Seven cloture votes. Seven cloture votes, last Congress and this Congress. Seven cloture votes. It went to the House of Representatives. There was hard work in the conference committee. Senators and Representatives, Democrats and Republicans thrashed out the conference report, hard negotiations, bring it back to the floor of the Senate, and here we are again.

We are ready to vote. I do not think there is anything else I can say, and I do not see anybody else present to talk, so I think at this point in time I will suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Mr. President, I ask unanimous consent that I be able to speak as if in morning business.

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

The Senator from South Dakota [Mr. DASCHLE] is recognized.

Mr. DASCHLE. I thank the Chair.

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 923 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolution.")

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I intend to continue to oppose this bill. This legislation is just another example of a Washington mandate for which States and taxpayers are called upon to pick up the tab. Let us look at my State, for instance. Alaska has 81.2 percent of its eligible population registered to vote. That is one of the highest rates in the country. Over 66 percent of our eligible voters voted in the last election.

Despite that excellent record, this bill will require us to pay for the federally mandated bureaucracy that is created under this conference report.

Two of our Governors, one a Democrat, one an Independent, Cowper and Hickel, have written to the Senate to oppose this proposal.

They have estimated the cost of this measure to be the equivalent of a 28-percent increase in Alaska's election division. This is coming upon our State at a time when our State income is being reduced. We are having to reduce all sorts of support, even for education, throughout our State.

This bill calls upon us to increase by nearly one-half million dollars a year the money we spend on election procedures despite the fact, as I said, we have one of the highest registration levels in the country already. This will cost us about \$12 for each new voter registrant despite the fact that today the cost for our State is \$4.50 for each one.

Our registration at \$4.50 is a success. And one has to ask why should the taxpayers of Alaska spend more money to register fewer people? That is what will happen under this, we believe. Alaska already has the three forms of registration that is called for by this legislation, but we do not have the bureaucratic redtape that this report will impose upon every State. That is where Washington's mandating State procedures is going to cost State taxpayers more money. None of the increased cost to my State will be borne by the

Federal taxpayers. This is the Federal Government mandating costs that will be imposed upon State taxpayers.

We believe that, although Alaska's costs will go up, voter turnout will not. Those who have supported this bill say there is nothing in it which will guarantee an increased turnout. I ask the Senate to read the conference report.

The proposal will end two of Alaska's precautions that are designed to protect our ballot process. Our current Alaska law requires that two witnesses sign all postcard registration forms that are sent through the mail. One of our Governors wrote to me that this requirement is needed to heighten the registrants' awareness of the serious nature of our voting laws. Under this proposal, the simple precaution requiring that two witnesses sign the postcard registration form will be banned. We see no reason for the Federal Government to mandate change in our State law that is a precaution for our very modern up-to-date postcard registration concept.

We use these postcard registrations because of the great distances between our voters within our State, probably the greatest distance of any State in the Union. Our State is one-fifth the size of the whole United States. We have to have a voter registration system designed to meet our needs. Yet, this bill says we are to use a system that is designed to meet the needs of downtown New York, Chicago, or Los Angeles.

We also require out-of-State voter registration applicants to provide some identification or other documentation that supports their claim to Alaska residency. This provision does help prevent non-Alaskans from obtaining Alaska benefits by mailing phony voter registration applications from outside the State. We do provide benefits to some Alaskans who are temporarily residing out of the State, but this will enable non-Alaskans to try to obtain those benefits by registering to vote even though they have no intention to vote, because that is one of the things that is listed on the application for benefits.

This legislation before us now, this conference report, incredibly, bans this Alaskan precaution to protect us against false claims for benefits under other laws.

In addition, the legislation will require all welfare employees to become actively involved in the administration of our elections. During the hearings, we found the St. Louis Post Dispatch had detailed allegations that welfare employees were registering welfare applicants for one party only and telling them who to vote for. Apparently there is evidence that they drove the welfare applicants to the polls. Those people were supposed to be in the office helping welfare applicants, but they were out driving people to the polls to vote.

This legislation requires a link between welfare and the election process in every welfare office throughout our Nation. We believe it is likely to result in more political manipulation of those in need of public assistance and, even without that threat of actual manipulation, the report creates the appearance that public assistance is linked to participation in the political system, and as the Dispatch shows, to participation in one party as opposed to the openness of our election system. I believe it violates the American tradition of voluntary political participation, and it is a very bad idea for us to start linking benefits under a system such as the welfare system to actual participation in the political process under the supervision of the people who are hired to administer the welfare system.

There is another cost for the taxpayers in this bill. The legislation that is envisioned by this conference report gives standing to sue States in Federal court to advocacy groups for any alleged failure to implement the bill as interpreted by those advocacy groups. Any State that does not spend the money that the advocacy group believes ought to be spent or a State that might make an honest mistake in implementing the mandates of this bill will face costly Federal court litigation because of these advocacy groups.

And there should be no doubt about the willingness of some of these advocacy groups to sue under the act. One of the advocacy groups—and this is in our committee report—that pushed this bill made this statement:

The prudent approach (or so it seems to us) is to support the passage of th(is) bill and then litigate if States fail to implement it) * * *

And by that it means obviously implementing it the way the advocacy group wants it interpreted.

I do not happen to think the answer to low voter turnout is to unleash a torrent of Federal lawsuits against States. Our elections are supposed to be according to State law, and we see no reason for the Federal Government to be mandating changes in State law, particularly in States like mine which has had some of the highest turnout and registration rates in the country.

Forcing us to register people who are not eligible to vote, who have no intention to vote, but who seek other benefits from our State, will result in a decline in our turnout rates because of the number of people that will be registered under this system whom we cannot purge from the list of those who are eligible.

I again think that the Senate ought to reject this conference report. It does seem to me that those States such as ours that already have the laws that this bill seeks to impose upon States should have been exempt and some recognition should have been given to the conditions in each State. State laws

must deal with situations such as the great distances between our voting precincts and the inability of some of our people to actually come in and register in person. We have created a mail registration system that is better than any in the country, and yet our system is going to be affected. We must now change our State law to comply with a mandate in this Federal law, and we must do it in a way that will increase costs to our taxpayers more than 100 percent. The cost of registering voters will go from \$4.50 to \$12 per voter under this mandate, according to voter registration people in my State.

I urge the Senate to reject this conference report. I have done that before; we proposed it before. I can see what is coming here, but I think it is just wrong. This is another example of a Federal mandate that creates State costs and forces States to change their laws and then exposes States to litigation from national advocacy groups if they try to resist this pressure from Washington to interfere in the election process of each State. I hope that the Senate will listen to us who oppose this bill and defeat it.

Ms. MOSELEY-BRAUN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, Mr. President.

I have spoken before in behalf of the motor-voter legislation and I speak now in behalf of it and in support of the conference report.

I want to point out to the public and to the Members of this body that it is not unusual to have Federal mandates in regards to the exercise of voting rights in this country.

Indeed, Mr. President, the 19th amendment, which was passed in 1920—which, of course, gave women the right to vote—imposed on many States that did not allow feminine participation in the election franchise, imposed on those States a requirement that women be treated as equal citizens and given the right to vote. There were many States at the time the 19th amendment was passed that already allowed women to vote, but at the same time not all States did. And, as a function of the constitutional amendment, it was determined that it was a fundamental right of citizenship that should not be determined based on gender. And so the franchise was universally extended throughout the United States.

I submit to you, Mr. President, the motor-voter provision that this conference committee report represents is in keeping with that tradition. It simply calls on the States to enact a simplified procedure, a uniform set of procedures that will allow individuals to exercise the franchise to vote, whether they live in Iowa, or Minnesota, or Illi-

nois, or Alaska, or Florida, or Texas, or California, or wherever in these United States they may reside.

We are, as you know, Mr. President, an increasingly mobile population. People move from State to State. One of the things that people who do move and who change residences, even sometimes within a State, run into most often are situations in which, by virtue of their mobility, their franchise is taken away from them; by virtue of moving, they get from one location to another and discover there is a new set of barriers, a new set of voting hurdles, or that the election comes upon them 3 days after moving day.

Mr. President, if you have ever been involved in moving your residence, you know how much of a time hassle that can be. But they get to a new residence and discover the election is coming up in a month and there is not time for them to go through the different barriers and hurdles to establish their residence so they can register to vote.

Motor-voter simply says, essentially—and I know there have been plenty of discussions that, First, there should be consistency, so it would not matter whether you lived in Texas or Iowa, that you could go to a uniform set of governmental offices—this is not just throwing it open to anybody—a set of governmental offices to exercise your right to become qualified to vote.

By removing institutional barriers across this country to participation, we hope—but it is not necessarily to be seen—we hope that that will increase participation.

We are right now in this country at about 50, 55 percent, in terms of voter participation. Surely, we would want to get up higher. We would want to get up to the 100 percent if it is possible, because if there is one single set of rights that we have that we ought to respect and be responsible for it is the exercise of the franchise. It is a fundamental, defining right of our constitutional democracy.

So we would want to get people up to 100 percent participation. But failing that, we would want to see, in any election, a representative number of the community coming to the polls and voting. We are now at 55 percent.

We hope to expand the franchise so we can expand participation. It is not guaranteed that we will expand participation, but certainly, to the extent there are institutional barriers to participation, those barriers should come down. And that is what motor-voter does.

In terms of expanding the franchise, though, I have listened to some of the debate against this conference report and I am struck by all the arguments that really just kind of tiptoe around the notion that somehow the enactment of this legislation will create a partisan advantage for one party versus another.

I have to tell you, Mr. President, after having listened to all of the beating of the breast and gnashing of the teeth about who is going to get a partisan advantage, I am really beginning to reach the conclusion that perhaps—perhaps—there really is a fear of participation; there really is a fear that the American people will come out and express their views at the polls; there really is a fear that we will remove the barriers: If we remove the barriers the gauntlet will come down and we will really have a democracy. That is really what I believe the arguments against this conference report can be reduced to—reduced to fear.

I think we should look at it in terms of what are our hopes. Our hopes are that people will participate. Our hopes are that we will expand the franchise.

And whether it turns out that there is a partisan advantage for one party or the other party is something we are willing to take a risk on. We are willing to take a risk that our democracy might work a little better. And that is why we want to have motor-voter. We are willing to take a risk.

It could be, Mr. President, that enhanced registration opportunities will give a partisan advantage to the other side of the aisle. Well, I am willing to take that risk. I am willing to take that risk, because the essence of our democracy is that the individuals who stand for public office and the parties will make their case to the American people and it will be up to the people to decide by whom and how this country will be governed.

That is what motor-voter is calculated to enhance—to remove institutional barriers, so that participation can be enhanced, so that our democracy will work a little better.

I do not have a problem, Mr. President, with the notion that in one State or another it will require some revision. Any Federal lawmaking requires some revision. And I do not have a problem with the notion that States can be sued. Well, if a State violates Federal law, of course they can be sued, and there is a host of laws on the books toward that end.

I come out of an experience in State and local government. I served in my State legislature in Illinois for a number of years and then in county government, so I am very familiar and very sensitive to the whole issue of State and local governments and what they can and cannot do.

I feel confident, Mr. President, that the State and local governments will be able to quickly adjust to the provisions of motor-voter. In fact, if anything, for many, if not most of them, this legislation will simplify and will clarify voting procedures in a way that will provide cost savings.

Now, I am fully aware that the CBO report says that there will be costs, and there will be costs passed on to

State and local governments as a result of this legislation. But I daresay, Mr. President, that by accepting the costs, limited as they are in the first years of implementation, those costs will be not only absorbed over time but also will be offset by the increased activity, by the increased participation, and indeed by the simplification that will inure to the benefit and to the savings at the State and local level down the road, 2 or 3 years down the road.

The legislation does not go into effect until 1995. So there is a time already in place for State and local governments to adjust their procedures, to work on procedures. And quite frankly, a lot of the procedures, the barebones at least, are set out already.

So I dare say that while we are very concerned about the issue of mandates—and I certainly am; I even have legislation, Mr. President, on the issue of unpaid for mandates by the Federal Government—I do not think it is right that we should legislate and not pay for things and not tell the States what is it going to cost.

The difference with motor-voter is that the answers and the cost estimates are right up front. The direct cost of this bill is less than \$20 million nationwide. That is for everybody across the country.

Well, that \$20 million will be more than offset. The State and local governments know up front—before the fact and not after the fact—what the costs are estimated to be. They have plenty of time to make the adjustment.

And so I dare say, Mr. President, that some of the objections that we are hearing to this legislation really reflect more a partisan fear than hope for our democracy and hope to expand our franchise.

With that, Mr. President, I note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, as is apparent, I am just in the final stages, I hope, of pollen-induced laryngitis. But I am going to make some observations with regard to the bill that is before us. Unfortunately, this bill has moved a lot further than I had hoped. I still have great hope that it will not become law, but it is getting very close.

Mr. President, it seems to me that you can just slap a reform label on a bill, get a few groups to form a coalition behind it and it becomes a runaway freight train. Perception takes over from reality.

A couple of examples.

Campaign finance reform. The reality is that there is no collective money chase. Senators do not raise thousands of dollars week-in/week-out for 6 years. In the last three elections, Senators raised 80 percent of their reelection funds in the last 2 years of their 6-year terms. And the reality is that those who raised the most had the most competitive situations.

But the new political reality is that reality does not matter. Perception matters. So this body is going to seriously consider a taxpayer-funded spending limits scheme that in reality will not limit total campaign spending, special interests, or incumbent advantages. In reality, the President's bill will not clean up the process, but will force campaign spending into undisclosed, unlimited channels like nonparty soft money and independent expenditures.

The reality is that spending limits are bad. The perception is that spending limits are good. Common Cause says so. The New York Times says so. The reality is just the opposite.

David Broder, who I think we would all agree is the most—sort of the premier political commentator of our age, had an interesting column in the Sunday Post a couple of weeks ago about not only campaign finance, but some of the other reform issues that have been banded about, and taken seriously—and in the case of motor voter, almost passed.

Broder said in his piece:

From coast to coast an army of reformers, waiving the banner of populist protest against the special interests, is mobilizing to enact a host of remedies for the ills of American democracy.

Term-limits, campaign finance reform and curbs on lobbying in particular are gathering support as cures for a system the reformers say is overrun with careerism, insider influence and financial corruption. If enacted, their remedies would without doubt change the nature of the American republic: The structure and operations of government would be recast and power would be substantially redistributed.

Yet paradoxically, the "populist" reforms, many of which are pushed by "good government" groups like Common Cause and the League of Women Voters, have a common characteristic: They would all increase the power of the economic and social elite that most vociferously advocates them. And they might well reduce the influence of the mass voters in whose name they are being urged.

Broder proceeds:

One would expect that such sweeping changes would occasion great debate. But in many of the major marketplaces of ideas—TV talk shows and commentaries—the "debate" is remarkably one-sided. The reformers are the good guys holding the high ground against the hacks, crooks and influence-peddlers. Who wants to defend perks and privileges, political action committees and the brigade of Gucci-shod lobbyists?

As Perot told me in an interview last month, "If there's someone out there who thinks our future would look better if we had more foreign lobbyists, let 'em speak up."

I'm not foolhardy enough to accept Perot's dare, but I do want to argue that the missing

side of this debate needs to be heard, not because the reformers are entirely wrong in their criticisms—they are not—but because they have an agenda that is not as innocuous or disinterested as they pretend.

Reformers couch their proposals in terms of eliminating pernicious influences on politics and government, but they rarely acknowledge that the process changes they push would also redistribute power—in the direction of themselves and their social-economic peers. What they would do with this power remains unclear from their manifestos. But historically, regimes that have been dominated by social and economic elites frequently have failed to respond to the needs of the lower classes. Often, they have seeded true people's movements that have taken an ugly turn.

Further in the article Broder said:

Though today's reformers have appropriated the rhetoric of "temple guardians," their preferred remedies for "cleansing" the system are remarkably similar to actions that would enhance their own power and influence.

That is exactly what is going on here, not only with campaign finance reform but with motor-voter as well.

With regard to motor-voter, the reality is that turnout increased 5 percent last year. Why? Because there were a lot of competitive campaigns last year which, interestingly, spent a lot of money. Increased campaign spending was both a cause and a symptom of that increased competition.

The reality is that voting is not all that hard in any State in this country. The reality is that 30 States already have mail registration. Nearly 30 States already have some form of motor-voter registration. And 10 States already have agency-based registration. The reality is that States already are making a concerted effort to devise voter registration systems to serve their citizens within the constraints of their budgets and with regard for their particular histories of voter fraud.

The reality is that people who do not vote, choose not to vote for a lot of reasons. Registration laws are not blocking them from voting.

Despite the well-organized efforts of the proponents of this bill, most people do not have any problem with allowing States to regulate their own voter registration systems. But the perception created by editorial boards and an interest group coalition is that Congress needs to mandate all three registration systems—motor-voter, mail, and agency-based—in all 50 States. And the perception they are trying to create is that anyone who stands in the way of the motor-voter bill is a scoundrel who for some reason does not want people to vote.

These days, reality and perception are on two different tracks in Congress, and only perception is being dealt with.

Mr. President, far away from here, among the American people, reality and perception have collided. The perception has long been that Government is out of control and that we are not

dealing with the real problems facing this country. The reality is that Government is out of control and we are not dealing with the real problems facing this country.

Thus, we have a \$5 trillion debt. Thus, Americans are overtaxed and underserved. Government is bloated and inefficient. Thus, we have just spent weeks on an unnecessary, unfunded mandate on States reeling under their own budget problems. This is literally a waste of time when you consider the issues really confronting this country.

And, we will spend weeks on a taxpayer-funded campaign finance bill that has the appearance of doing something about perceived problems with little or no basis in reality. Should it pass, it will be hailed as an accomplishment simply because it passed Congress and was signed into law by the President. But what would have actually been accomplished for the country? Absolutely nothing. All that would have been accomplished is the creation of a new entitlement program with politicians as the direct beneficiaries—and special interests as indirect beneficiaries through the enhanced power they will exercise through soft money and independent expenditures.

The bill before us, motor-voter, has been blown up all out of proportion. It will throw a whole lot of people onto the registration rolls, at considerable expense to States and possibly to the integrity of the electoral process. And for what? People thrust onto the rolls are not going to roll off the sofa on election day just because this bill made registration easier.

Mr. President, I am not concerned that the Republican Party will somehow be hurt because of increased turnout resulting from this bill. Generally in recent years my party has benefited from high turnout. In any event, turnout is not going to increase because of throwing thousands of people onto the voting rolls. It will have no impact at all.

Turnout may increase because people become so enraged at this Congress' failure to devise real solutions to real problems that they take matters into their own hands by voting incumbents out of office. Since there are far more Democrat incumbents than Republican incumbents and since Democrats control the entire Federal Government, such increased turnout could actually help the Republican Party. If enough voters would reflect on the fact that the Democratic Party has controlled Congress for most of the last 40 years, then increased turnout would really help Republicans.

The only people who really are going to be hurt by this bill are the taxpayers, as usual. They are hurting so much already under this administration, they may be numb to any more pain.

Although the prospect of this bill passing is appalling to me, Republicans did make it a better bill than it was originally. The core package of amendments that 41 Republicans insisted be adopted before it could pass the Senate survived conference largely intact.

Republicans slammed the escape-hatch shut. No longer is this bill a backdoor means of forcing States into adopting election day registration or no registration whatsoever. Under the original bill, any State that could not afford to comply with the onerous and expensive mandates would be exempted from the bill altogether—if they adopted election day registration or no registration. Republicans succeeded in grandfathering in the five States that would have qualified for the exemption prior to March 11, 1993. Whatever the intentions of the original escape-hatch provision may have been, the effect would have been to push States into adopting extremely liberal registration systems that they otherwise would not adopt.

As the core package was being negotiated in conference, I was contacted by the secretaries of state of Michigan and South Dakota, both of whom wanted the escape hatch option left open. Officials in Illinois also urged that they be allowed to opt out through election day registration. These State officials wanted the escape hatch because their States cannot afford the unfunded mandates in this bill. They want flexibility.

Mr. President, I sympathize with these officials in Michigan, South Dakota, and Illinois. I fought to preserve their flexibility by opposing this unfunded mandate bill in the first place. Only one of the six Senators from those States, Senator PRESSLER of South Dakota, joined me in this effort to preserve States rights and flexibility. I regret that we did not prevail and these States must now contend with these unfunded mandates. It was certainly not my plan that they get the privilege to pay for. However, their constituents are better served by the closing of the escape hatch than if it had been left open.

Republicans also improved the agency-based registration provision. Under the original legislation, States would have been required to register voters as they receive assistance at welfare, disability services, and unemployment offices. Under the Republican core package amendment, States still would have been required to provide agency-based registration, but the makeup of those agencies would have been left up to the States to determine. Unfortunately, the Republican position did not prevail on this point. Although unemployment offices still will be optional, welfare and all public assistance offices are once again required to register voters.

While the intent may have been admirable in bringing low- or no-income

citizens into the political process, the effect will be to put these citizens in a precarious position.

Citizens who rely on Government checks to eat, pay the rent, and feed their children are particularly vulnerable to intimidation, be it overt or implicit. A social service worker with a check in one hand and a voter registration form in the other? Yes, that will be intimidating. It will be at least as intimidating for these citizens as it would be for taxpayers being registered to vote by an Internal Revenue Service auditor.

Mr. President, at this point I would like to read from a letter the conferees received on April 2, from the County Welfare Directors Association of California:

The County Welfare Directors Association of California urges you to accept the Senate's provision to the National Voter Registration Act of 1993 (H.R. 2 and S. 460) which would make agency-based registration optional. We support the principle of maximizing voter registration, however, county welfare offices simply do not have the resources to carry out an additional unfunded mandate. The already overburdened system and programs we administer are based on a number of complex and cumbersome asset and income calculations and verifications imposed by Congress and the courts. These new requirements would divert scarce resources from the clients and the mission we exist to serve.

The letter goes on to say:

Moreover, we are also concerned that the integrity of our agencies may be compromised in the eyes of our clients. There does seem to be something implicitly coercive about the process involved. Many of our clients are poorly educated and have little trust in the system. They are likely to feel they must register or they must vote in order to receive benefits and that somehow this would ultimately affect their benefits.

Five other Republican core package provisions were adopted in varying degrees: First, unsigned applications will serve as a declination; second, undeliverable registration notices will trigger the bill's purge provisions; third, States will be allowed to require that registrants who do not notify officials of a change of address within a jurisdiction could vote at only the new or only the old precinct; fourth, registration forms will stipulate voter eligibility requirements and penalties for fraud; fifth, agency based registrants will be allowed to refuse assistance.

Senator MCCAIN's amendment to ensure that our Nation's service men and women are brought into the process through registration at military recruitment offices has been retained. No one has a greater stake in our Nation's electoral process than our soldiers whose very lives may hinge on the decisions of elected officials.

In addition to these, Senator DURENBERGER drafted additional language to address the coercion problem inherent in agency based registration. While I think the bill is better with this lan-

guage than without it, I am not satisfied that the potential for coercion has been alleviated.

Mr. President, another important Republican amendment that was included in the Senate version of the bill, courtesy of Senator SIMPSON, was dropped in conference. Senator SIMPSON's amendment simply would have clarified that States could require proof of citizenship to register to vote. It is curious, to say the least, that this provision was dumped by Democrats on the conference committee.

This bill is better, thanks to the efforts and resolve of Republican Senators who stood firm and insisted on these amendments in the face of baseless charges of gridlock.

However, Mr. President, Congress still has not paid for the motor-voter bill. It still is an unfunded mandate. It still is a solution in search of a problem. It still should be defeated.

I yield the floor.

Ms. MOSELEY-BRAUN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEAHY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the quorum call be dispensed with, and it is granted.

Mr. DOLE. Mr. President, along with the saxophones and McDonald's hamburgers, the newest rage in Washington seems to be the unfunded mandate.

Earlier this year, Congress passed a family leave bill costing businesses hundreds of millions of dollars.

In March, Congress rammed through an unemployment compensation bill raising the deficit by \$6 billion but did not offer a single way to pay for it.

Last month, the Senate debated the so-called stimulus package, highlighting the fundamental differences between the two parties. Democrats voted to increase the deficit with \$19 billion of additional Federal spending. Republicans prefer to cut spending and pay for any spending increases with spending cuts elsewhere.

And now, Mr. President, we have the motor-voter mandate. We seem to think we can come up with any idea, no matter how expensive, no matter whether anybody is for it, just pass it, charge it on the credit card, charge it to somebody, and that is what we are doing with this bill in cash-strapped States and localities.

NO FREE RIDE WITH MOTOR-VOTER

Mr. President, with a \$4 trillion national debt, we have learned the hard way there is no such thing as a free lunch. And today there is certainly no free ride with motor-voter; 10 States, including my home State of Kansas, have estimated that complying with the motor-voter mandates will cost them more than \$87 million. That is

not a lot of money around here, but \$87 million, we say, "Oh, well, don't worry about \$87 million, it could be \$87 billion." Well, it is \$87 million. The total cost for all 50 States would obviously be much higher.

So it is no wonder that the National Governors' Association—that is Democrats and Republicans—the National Association of Counties, the National Association of Towns and Townships, the National League of Cities, and hundreds of State and local officials throughout the country have all registered their opposition to this bill.

It seems to me, if we fund it, that is one thing. In fact, we offered an amendment to fund it. It was defeated. Here there is a feeling we should not pay for anything; just pass it. Do not worry about paying for it. That is too tough. Pass it. Let somebody else worry about paying for it: Cities, States, employers, workers. How are they going to do it? Are they going to cut their education budget, their child nutrition programs, or just raise taxes?

THE NICKLES-DOLE AMENDMENT

Last March, I joined my distinguished colleague from Oklahoma, Senator NICKLES, in offering an amendment that would have allowed each State to estimate the additional costs associated with motor-voter requirements and to submit this estimate to the Senate Rules Committee and the House Administration Committee.

The amendment would have delayed the effective date of these requirements until Congress appropriated funds to defray the additional costs.

The amendment was simple and straightforward, an honest attempt to restore some accountability by forcing Congress to pick up the motor-voter tab.

Unfortunately, the amendment was defeated, and now I would say this. We have the conference report before us now. It is an improvement, but it is still out of gas and ought to be left parked wherever it is.

No doubt about it, it is an improvement over the original Senate and House bills, and because of the hard work of my distinguished colleague from Kentucky, Senator MCCONNELL, the conference report closes the so-called election day escape hatch. This loophole would have encouraged States to adopt same-day registration procedures as a means of escaping the bill's requirements. In many areas same-day registration is a prescription for fraud and corruption.

The conference report also allows but does not require registration at unemployment offices, and it prohibits workers at welfare offices from influencing registration decisions of welfare recipients, though registration at these offices continues to be mandatory. It is not mandatory anywhere else as far as I know.

I wish to thank our colleague from Minnesota, Senator DURENBERGER, for helping us make those changes.

Mr. President, these changes are steps in the right direction, but in the final analysis the conference report is still not acceptable to this Senator. It may be to a majority. I assume it will be to the majority.

BEST WAY TO INCREASE VOTER TURNOUT

Mr. President, no one is against increasing voter registration. The more people who vote I guess is better for democracy.

In 1992, I am pleased to report that Kansans turned out to vote in record numbers; 75 percent of the voting-age population was in fact registered to vote and 85 percent of those who were registered actually voted. This 85 percent participation rate represents a 14-percent increase over the previous turnout record.

What these numbers prove is that motor-voter participation has little to do with the Nation's secretaries of state and county clerks who supposedly have not made it easy enough for people to vote, as this bill's proponents would contend.

People will take time to vote if they believe they have a stake in an election. And they will vote if they are convinced that Congress is a credible institution, that we can conduct our affairs responsibly and without gimmicks.

Unfortunately, the motor-voter bill flunks the credibility test.

With its credit card approach to voter registration, this legislation proves that Congress is ready, willing, and able to bask in all the hype but a deadbeat when it comes time to pay the bill. It seems to me that by any measure the motor-voter bill is a money-guzzling clunker. It belongs in the congressional junkyard.

I must say, I go home a lot. Never will anybody ask me about the motor-voter bill, nobody in elected office, not my Democratic Governor. Nobody urged me to vote for it. Nobody, wherever I go, ever heard of the motor-voter legislation. But I think some of the Governors know and some of the other people know that somebody has to pick up the tab. And despite all the good intentions—I am certain the proponents of the bill have nothing but good intentions. I am not questioning that, but again it is another federally unfunded mandate.

And you go to the League of Cities, you go to the county officials meetings, you go to the township meetings, you go to the Governors conference, they are all up there talking about unfunded mandates, but we just insist on giving them unfunded mandates, and there are more coming.

We figured out something in Congress. We are broke, States are in bad shape, cities are in bad shape. So what are we doing now? We are sending un-

funded mandates to employers. We found a few people still making it in America. We are going to try to do them in in the next decade.

But here we are just adding to the burden that States and cities and others already have. Somebody can dispute the figures, as I assume they will. But what is \$1 million? If the thing only costs \$1 million, why send out an unfunded mandate—if it only costs \$5. If we are going to ask people to do something and direct them to do it on the Federal level, then we ought to pay for it.

Mr. FORD. 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. GRAMM. 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. GRAMM. Mr. President, we have before us a bill that is titled the "National Voter Registration Act of 1993." It is also called, by its proponents, the motor-voter bill.

I would like to discuss this bill today and explain why I am opposed to it, and why I do not think it represents the kind of issue that we should be debating here in the Congress.

Mr. President, traditionally voter registration has been left up to the States. Previous Federal intervention on voter registration issues has basically been an intervention to assure that anybody who was eligible to vote was guaranteed the right to register and to vote.

This intervention has been based, on the constitutional issue of guaranteeing equal access to the ballot.

Other than that major intervention, which was vitally important to make American democracy work, the Federal position has been that the individual States should establish, voter registration guidelines within the general proposition that such procedures have to conform to the constitutional guarantees that our citizens have.

The stated objective of this bill, if you listen to the debate, is to try to increase voter turnout through a provision called the motor-voter provision. In fact, the whole bill is called the motor-voter bill. But, Mr. President, that is a misnomer for this bill. The idea behind the bill is to have it so that if anybody—or at least in the discussion of the motor-voter section—the idea behind it is to have it so that anybody who gets a driver's license is automatically registered to vote.

Clearly, the proponents of this bill believe that despite the fact that States have gone to mail-in registration, despite the fact that States have gone to great lengths to make it easier for people to vote, despite the fact that

in my State, we have an extended period of no-excuse absentee balloting, that somehow we need to make it easier for people to get registered to vote.

So the argument of this bill is: Let us just have a neutral registration process where if people get a driver's license, they are registered to vote.

There are problems with that in that it is very common in my part of the country for illegal aliens to have driver's licenses. It is also very difficult, if you do that, unless periodically you go back and purge the voter rolls, to keep the rolls current. It is not an unheard-of phenomenon in this country for dozens of people to vote who are registered and whose address turns out to be a vacant lot; these are not homeless people.

But, Mr. President, if all this bill contained was the motor-voter provision, then I would vote for it. I would be willing to say that is a reasonable compromise. I do not think the Federal Government ought to be mandating to the States how they go about voter registration but as long as they were not discriminating against anybody, I wouldn't object.

If there is one thing that State governments agree on; it is that they are tired of Federal mandates. When we tell them how to do things, we are imposing costs on them and we are not paying for it. But given where we are on this issue, if motor-voter was the only issue, I would not see it as being very important because it is a fairly neutral process for a person to get a driver's license.

It is also probably true that in registering people to vote at the time they obtain their driver's license, that while you do open the potential for voter fraud, the impact on registration on a partisan basis is probably insignificant.

But, Mr. President, I do not believe that is what this bill is about. I do not believe this bill is really about motor-voter. I think this bill is really an effort to mandate costs on the States, to dictate policy to the States, and to try to change the partisan mix of American elections.

Mr. President, let me just take an example—and I think it is a relevant example; it is the major reason—despite the fact that I am not for mandates, that I am not for the Federal Government telling the States how to do their jobs, let me just give you one insight that I think any objective person will see as an effort to try to tilt the political persons.

Under this bill, each State shall—that is, must—designate agencies for the registration of voters in elections for Federal office; each State shall designate as voter registration agencies all offices in the State that provide public assistance.

In other words, under this bill, at the courthouse in my county, you go to a specific office to register to vote. But under this bill, not only can you reg-

ister to vote at the county clerk's office in the courthouse, but if you go to get assistance, to get welfare, to get aid to families with dependent children, to get benefits from the Government, that office, too, must register people to vote.

Mr. President, let me point out a distinction which I think is very important. When we debated this, I raised the question to my colleagues on the left: Why are we making the welfare office register people to vote, but we are not making the tax office register people to vote? What is the difference between people who are riding in the wagon, and people who are pulling the wagon? Why is it that the majority is so interested in registering people on welfare to vote, but is so indifferent about registering people who are paying taxes to vote?

I noticed, in a little rhetorical sop here in this conference report, that the bill now says that the areas designated for voter registration "may" include government revenue offices. Why "must" on the welfare office; why "may" on the government revenue office?

Well, Mr. President, as we all know, under current law, the State can designate voter registration wherever it wants to designate it. As we know today, in all 50 States and the District of Columbia, States can designate registration sites in the tax office, in the welfare office, in the gun registration office, in the driver's license office, wherever they want to. They have a right to do that, and States have increasingly made it easier to register.

But this proposed law says you must register people to vote in the welfare office.

It would seem to me that what is clearly contemplated here is that when people come in to get their welfare check, they are going to be pressured to register to vote; that the voter registration material is there. It is going to be given to them. And I do not think there is any doubt about the fact that the clear intention of this bill is to tilt the electoral process by not mandating the registration of taxpayers, but by mandating that the welfare office be a registration center.

Mr. President, with all of the problems in American democracy, with all of the very real issues we face, why are we here debating a bill which is aimed simply at distorting the outcome of elections by forcing welfare office in the registration to vote, but not forcing it in the tax office?

In fact, the only justification for this bill is not that we do not believe that States and counties have sense enough to register people to vote, it is not that we believe that they are in any way being unfair in registering people to vote; the whole purpose of this bill is that the majority wants to mandate that the welfare office register people

to vote. That is what the whole debate is about. And the whole debate is an effort to try to change voter turnout.

It seems to me that our Democratic colleagues believe that they have a comparative advantage in appealing to the people who are riding in the wagon, and that Republicans have a comparative advantage in appealing to people who are pulling the wagon. I think that is correct. I do not think there is any doubt about that. I think every poll I have ever seen shows that.

It seems to me that one thing we ought to be is neutral in the process. If our Democratic colleagues can induce people who are using the welfare office to turn out and vote, that is how the process works. If we can induce people who are going to the tax office and paying more taxes to turn out and vote, that is how the process works. But I do not believe that we ought to be legislating, mandating that our county governments and our State governments force registration through the welfare office and not through the tax office. It seems to be that that goes one step beyond simply trying to get people to register to vote and to participate in the democratic process.

So, Mr. President, I am opposed to this bill. As we all said when we passed the bill in the Senate—and when we passed the bill, it did not have the mandate for welfare office registration in it, we simply left it neutral there—the local government could register people in the welfare office if it wanted to, and or in the tax office if it wanted to.

Local governments and State governments have said they do not want these mandates. But what has happened now that the bill has come back from the conference committee is that the bill is basically the way it was before we forced the changes in the Senate, and the major provision in the bill is that the bill mandates that the welfare office have voter registration. I think that is a mistake. I think it is something we should not be doing, and I urge my colleagues to oppose this bill.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER).

Mr. FORD. Madam President, we have heard the same old tactic here this morning, the tactic of fear—fear of the welfare, fear of those who are not socially high on the income ladder, and that they do not want them to vote. That is playing on the fears rather than the hopes of Americans. And welfare, welfare, welfare office—that is all we have heard for the last 10 minutes. They are fearful of the disadvantaged in this country, saying they should not have an opportunity to register to vote.

We took our conference and looked at Minnesota and Pennsylvania. I think that we have used those two States in crafting this bill out of conference;

that stops any kind of coercion, that stops any kind of intimidation, as relates to those that go to the welfare office; or the disabled, to give them an opportunity to vote also. Under the motor-voter, as has been referred to this morning, 90 percent of the American people will be registered under this provision. We are talking about 10 percent. But again, we hear them playing on fear rather than the hopes of the American people.

What we are trying to do here is to reconnect the American public with its Government. People should have an easy opportunity to be registered to vote. They think that this is something that is trying to be imposed upon the States. CBO has said we can save money under this procedure because it will be orderly, and I think that is important to remember.

I have heard a lot about the credit card here in the last 100 days or so. They want to cut up the credit card. Well, we have had a credit card for 12 years, and we are \$4 trillion in debt. What kind of credit card do you think we have been running on in this country for the last 12 years?

So let us be very careful about cutting up credit cards. As the Republican leader said a while ago, it is a better America if people turn out to vote. We are trying to have a better America, to reconnect our citizens with Government and give them an opportunity. The Republican leader said a moment ago that they had a record turnout in Kansas of registered voters, not eligible voters. There are a lot of eligible voters that wanted to vote that did not.

What is wrong with giving the American people an opportunity to register and vote if they want to? There is nothing mandatory about registering in a welfare office. There is nothing mandatory about registering in an office for the disabled. If they want to register, they can register to vote. So here again we hear the fear. I was pleased when I heard the Senator from Texas say that as it relates to partisan advantage in this bill, it probably was negligible. So I took that to say that it does not make any difference that there is not one party advantage over another.

I believe that we are on the right track. We hear that Governors are not for it and mayors are not for it. Well, all you have to do is go down the list. How many secretaries of state that handle this provision came and testified? Not many in this Chamber right now were there and listened to the testimony. I was there. I heard the secretaries of state testify in favor of this. I heard clerks that were responsible for this particular area, for registering to vote; I heard them testify in favor of this particular legislation.

Madam President, I have a long list of organizations that are for it. They

are not politicians but groups of people. The Catholic Church, for instance, supports this bill. That is not a political entity. We have a lot of associations of just people that are for this legislation.

And where did it start? Where did this legislation start? It started at the grassroots. It is not something some politicians put together and said, "This is good for the country, and we will mandate it." This started at the grassroots.

It has worked its way up to Congress, and now that we find that we have something that the people want and we are trying to get it passed, we find this threat of fear—worried about the welfare office, worried about the welfare office, playing on our fears instead of our hopes. And we worry about the illegal person that might be coming into this country. We hear a lot about how they are going to register to vote.

In the forms that are being used around the country now, you have to present a birth certificate and you also have to sign subject to perjury "I am an American citizen," with Federal penalties that are important.

So I do not hear all these fears coming from States who now have basically the same thing we have in this particular legislation.

So, Madam President, I think all we are hearing here now is something to try to delay this bill to come to a vote.

I worked hard, I dedicated myself to take the floor amendments that were submitted by the Republicans to this bill, and we passed it out of here. I could not guarantee that we would have all of them in there, but I worked hard. And I fought hard for those floor amendments, and basically those amendments, with some slight change, are in this legislation.

We took out the unemployment office. Nobody said anything about that. It is just the welfare office. These are the most disadvantaged people in this country. You say you are fearful of them being coerced. You are fearful of them being intimidated. Let us play on their hopes rather than their fears.

So I hope we could get to this legislation and that we could do it soon. It will come. One way or other, we are going to pass it. I would hope we would not have this delay, delay, and delay.

The American people understand who is delaying. It is not this side. It is not this side that is delaying this piece of legislation that wants to reconnect the American people with their Government. We want to get on with voting for this and do things for people.

They are playing on the credit card. I heard the Republican leader say the other day we are going to cut up the credit card. Now that you have used it for 12 years, it is about worn out. You might have to get a new one. But cut it up. You have been working on that credit card now for 12 years, and it is about worn out.

We talk about it is going to cost money. We tried on our jobs bill, and we could not pass it. We tried awful hard. We could get 57 votes, but we could not get any others to vote with us on the jobs bill.

Lo and behold, what happened? Not a Member on that side voted against increasing the debt by \$4 billion. And what did we do? We extended the unemployment compensation to those people who were out of work and we increased the deficit by \$4 billion. Not a Republican voted against that. It was unanimous, because it was by unanimous consent. It was all paid for.

Now we find that those who wanted to go to work, who could have gone to work under those highway contracts that could have been awarded in 60 days are not out there. Those summer jobs for the disadvantaged kids in our communities are not out there. There were the community development block grants we heard so much fear about. One community in my State would have received 3,000 jobs on community development. That is a bricklayer. That is a carpenter. That is an electrician. That would have had a rippling effect. They would not be on that \$4 billion that we increased the deficit. They would have been working, and you would have had workfare instead of welfare. That is what was voted out of this Chamber.

Now we are trying to say let us let the American people have a real opportunity to say to those of us who run whether they want us or not, whether they want to have a filibuster around here and obstruction around here. Or are we going to have the ability to do something for the American people?

So, Madam President, I hope we can get on with this and that we can go ahead and pass it.

Let me just give some examples of the organizations that are for this piece of legislation. There is the Leadership League for the Blind of America. They are very strong for this. The American Association of Retired Persons is very strong for this bill; the American Civil Liberties Union; the Council of the Blind; Federation of State, County, and Municipal Employees; the American Jewish Congress; the American Nurses Association; and on and on and on; the League of Women Voters; the National Association for the Advancement of Colored People; the National Association of Developmental Disability Council; the National Association of Recorders.

So these are just people who are for it, not elected politicians that are against it; elected politicians are against this bill but the people happen to be for it.

I hope somehow some way we can find it in our hearts to let this piece of legislation go forward and that the President can sign it and we can get on about the business of this Chamber.

I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I will try to be brief.

I do not think the source of support for this bill comes from our hearts. Why would we write a bill that mandates that the States have voter registration in the welfare office but does not mandate that the States have voter registration in the tax office? Why would we do that?

In fact, why are we mandating that the States have voter registration in any office outside the county clerks office?

Now, our dear colleague from Kentucky talks about making it easy to vote. Why should it not be easy for the people who work in this country to vote? Why do we only mandate that people at the welfare office be able to register to vote and not the people who are going to the tax office to pay their taxes?

There is only one reason we would do that, and that is someone believes, our Democratic colleagues being the someone, that there is partisan political advantage to them by having registration in a welfare office and not the tax office.

Our colleague said, "I did not seek partisan advantage in the bill." I do not see it in the driver's license registration which I do not oppose.

I do not think we ought to be mandating. I think the States ought to be able to do it if they desire. But if that is all this bill did, I would not have any real objection. But what I do object to is forcing registration in the welfare office but not in the revenue office.

Our colleague talked about illegal aliens. Let me read you from the report of the bill on page 23:

The Senate amendment. The Senate amendment provides that nothing in this act shall prevent a State from requiring presentation of documentation related to citizenship of an applicant for voter registration.

In other words, the Senate bill as we passed it said nothing in this bill could prevent the States from forcing someone to prove that they were in fact a citizen.

Let me read you the next sentence from our conference report, the conference agreement which is the bill before us:

The conferees agree with the House bill and do not include this provision from the Senate amendment.

Then it goes on with a long sentence about the Voting Rights Act.

Mr. FORD. Read the rest of it.

Mr. GRAMM. Madam President, if we do not want illegal aliens voting, why do we not just come out and say so in the bill? Why do we not be specific? Why was that provision dropped?

So, I do not think people are confused. Maybe I am wrong. Maybe this high-sounding rhetoric sounds great.

But I think this high-sounding rhetoric dies an instant death when people realize that this passion for voting, this great desire to see that people go and exercise their sacred right, which I believe every citizen should do, but it only extends to the welfare office, that it is only in the welfare office where we feel so passionate about voting that we make voter registration a mandate; we do not feel equally passionate when it comes to the tax office. We do not have our hearts well up for the people who do the work, pay the taxes, and pull the wagon in this country. Only in riding in the wagon do you secure a place in our electoral heart.

Maybe people are deceived by that, but, Madam President, I doubt it. I think people see this for exactly what it is, and that is raw partisanship. I think the more that they see these things—and that is one of the reasons that I rejoiced that greater attention is paid to what we are doing here, because of C-SPAN—the more people see these debates, the more they get it straight, the more they understand the fundamental difference between the two parties.

Now our colleague may very well prevail on this bill. We may pass a law forcing voter registration to occur in the Welfare office. We do not force it to occur in revenue offices and there will be some advantage that comes from that on a partisan basis.

But to the extent that we debate these issues, to the extent that we awaken the American people, when the sleeping giant that does the work in this country awakens and realizes what this debate and what so many of these other debates are about, when the American public is filled with rage about the outrageous actions that are undertaken in this great and sacred temple to American democracy, then they will speak and they will speak with a very clear voice.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I wish to congratulate and compliment my colleague from Texas, Senator GRAMM, and also my friend and colleague from Kentucky, Senator McCONNELL, for their leadership and for their statements this morning.

I hope the American people had a chance to listen and find out about this legislation, because I heard a lot of different statements made and I think it is important they look at the substance of why many of us, at least on this side of the aisle, are opposed to the motor-voter bill.

This Senator is adamantly opposed to this legislation because we are putting an unfunded mandate on the States. We had an amendment to correct that but, unfortunately, by a very partisan vote—a very close vote—we

lost. So the net result is, we are going to be mandating to the States that they have to spend millions of dollars for voter registration, and in many cases they will not do a better job.

In my State of Oklahoma, Lance Ward, the secretary of the Oklahoma State Election Board says the costs will be \$1.2 million or \$1.3 million. I will ask to have a copy of his letter printed in the RECORD. He is opposed to the motor-voter bill.

I might mention that he is a Democrat. I might also mention that many throughout the country are very opposed to this and they happen to be Democrats, because they are opposed to unfunded State mandates, they are opposed to the Federal Government coming in and saying: "We are going to give you the benefit of our wisdom. We are going to tell you how to do it. We are going to tell you how to register voters."

Let me just read a portion of this.

Oklahoma's voter registration system is not broken; it works well. Oklahoma is third nationally in the percentage of voters registered and the cost to taxpayers is about \$120,000 annually. Major elements of the National Voter Registration Act will cost Oklahoma ten times that (amount and) will not increase registration, may reduce voter turnout, will force registration polls to close earlier, and will destroy Oklahoma's good registration system along with new and popular voting options that have potential to increase turnout.

In other words, it is the opinion of Lance Ward, secretary of the State Election Board, that this legislation is going to do more damage than good and it is going to cost about ten times as much money, which is kind of typical of a lot of Federal mandates today.

I would just say that many of us on the floor of the Senate tried to make sure that we did not pass an unfunded mandate, but, unfortunately, we were not successful.

Many States are doing an outstanding job in voter registration. As a matter of fact, I believe, following the 1992 cycle, 14 States had over 80 percent of their eligible voters registered.

We had an amendment on the floor of the Senate that would exempt those States that were doing an outstanding job. Some States have over 90 percent, including my State of Oklahoma. Why should we put this mandate on the States that are already doing a good job?

The motor-voter bill says: "We do not care how good a job you are doing, we do not care how economical you are going to do it, we are going to mandate registration procedures throughout the country."

I will read from page 5 of the committee report.

Voter registration agencies—

Keep in mind, States have the option to have registration set up anywhere

they want under present law. We allow the States to have that discretion.

But this says, on page 5:

Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance.

Those are welfare agencies.

All offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities. * * * In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

The big point is that States shall designate as voter registration agencies all offices in the State that provide public assistance. It is optional to include government revenue offices.

So it is an option to include the tax offices, the revenue offices—the taxpayers would frequent those offices—but the bill mandates that they include welfare offices. I think that was designed for pure partisan political advantage.

Aside from this my primary objection is that we don't pay for it. We must stop coming up with unfunded State mandates.

My State happens to be going through some very difficult times financially right now. We are not able to meet all the demands that are now before our State. We have some serious budget shortfalls. Yet the Federal Government is going to come in and say we are going to mandate another \$1.2 million or \$1.3 million on the State of Oklahoma, even though we are already above 90 percent in voting age registration. That makes no sense whatsoever.

And it is not just Oklahoma.

Madam President, I ask unanimous consent that a letter from the Oklahoma State Election Board be printed in the RECORD.

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

OKLAHOMA STATE ELECTION BOARD,

Oklahoma City, OK, January 27, 1993.

Hon. DON NICKLES,

U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR NICKLES: Once again, as my predecessor Lee Slater did before, I urge you to consider the effect the National Voter Registration Act will have on Oklahoma.

Oklahoma's voter registration system isn't broken: it works well. Oklahoma is third nationally in the percentage of voters registered and the cost to taxpayers is about \$120,000 annually. Major elements of the National Voter Registration Act will cost Oklahoma ten times that (see attached estimate), will not increase registration, may reduce voter turnout, will force registration rolls to close earlier, and will destroy Oklahoma's good registration system along with new and popular voting options that have potential to increase turnout.

In Oklahoma the National Voter Registration Act will be costly, unnecessary and counterproductive.

Attached is a sheet from the August 11, 1992, report from the Congressional Research Service Report for Congress which indicates that in the 1990 General Election Oklahoma ranked third nationally in registration of voting age population. Statistics are not yet available for 1992, but Oklahoma will continue to rank very high and, in spite of a 1993 purge to eliminate 350,000 or so persons who have not voted during the past eight years, Oklahoma's registration ranking will remain high in 1994.

Motor voter, mail and agency based registration will do away with Oklahoma's system of registrars who work almost everywhere and are paid when they seek out voters at retail and grocery stores.

Also in jeopardy is Oklahoma's new option for voting that permits anyone to vote by mail or in person before election day. Almost 100,000 people did that in November, three times the previous absentee record, and continued dramatic increases are expected unless there is unchecked abuse, which becomes far more possible with mail and similar registration schemes. The potential for fraud increases with each liberalization of registration or voting procedures. Oklahoma has kept a successful face-to-face registration system while opting to make voting easier and more convenient. If forced to abandon in-person registrars for impersonal and liberalized registration, the result likely will require a retreat from reforms that appear to increase voting.

Another negative effect of motor voter, mail and agency registration will be to increase the time when registration must be closed. Oklahoma now closes registration ten days before an election, among the shortest nationally. With the proposed systems, time must be added to permit forms to be transmitted to appropriate jurisdictions, checked and entered into registration records. When listed according to registration percentages it is impressive to note that states, such as Oklahoma, with short closed registration times rank high while states with the longer closed times generally rank low.

In Oklahoma voting, not registration, should be our focus. States should be judged based on meaningful performance. One organization promoting motor voter ranked Oklahoma as a "worst" registration state while extolling the virtues of their "best" list which includes Texas because their "best" states had liberal registration systems. For what it's worth, Oklahoma ranks 3rd in voter registration and Texas is 35th. Oklahoma ranks 25th in voter turnout and Texas is 43rd. In 1992, Oklahoma led the nation in turnout percentage increase, Texas was 43rd.

If voter registration must be reformed, let the reforms occur where there is some evidence change is needed. For Oklahoma, the National Voter Registration Act isn't the solution, it's a problem. It will not improve registration but will push Oklahoma backward in areas where your home state has been and is becoming a national leader.

I would be pleased to provide any information you request.

Sincerely,

LANCE WARD,
Secretary, State Election Board.

OKLAHOMA VOTING/REGISTRATION HISTORY COMPARED TO NATIONAL AVERAGES

	Oklahoma VAP ¹	Oklahoma registration	Oklahoma registration percent of VAP	National average registration percent of VAP	Oklahoma rank	Oklahoma turnout percent of VAP	National average turnout percent of VAP	Oklahoma rank	Oklahoma turnout percent of registration	National average turnout percent of registration
1962	1,478,000	1,160,515	78.52	70.73	18	48.02	47.05	30	61.16	69.23
1964	1,471,000	1,311,864	89.18	74.79	10	63.39	61.92	31	71.08	83.45
1966	1,489,000	1,185,225	79.60	72.48	16	45.48	48.17	35	57.14	67.06
1968	1,540,000	1,163,328	75.54	73.28	23	61.24	60.84	30	81.07	82.46
1970	1,605,000	1,201,666	74.87	71.41	20	43.54	46.60	37	58.15	65.01
1972	1,818,000	1,245,157	68.49	73.60	34	56.65	55.21	30	82.71	74.49
1974	1,856,000	1,341,209	70.74	68.28	24	42.45	38.23	23	60.01	55.70
1976	1,990,000	1,401,094	70.41	70.63	32	54.89	53.55	29	77.96	75.37
1978	2,081,000	1,366,019	65.64	66.65	34	37.36	37.20	29	56.91	55.48
1980	2,207,000	1,469,320	66.58	70.32	35	52.09	52.56	31	78.25	74.26
1982	2,371,000	1,613,827	68.07	66.67	26	37.25	39.79	37	54.72	59.42
1984	2,408,000	1,949,989	80.98	72.84	15	52.15	53.11	32	64.39	72.58
1986	2,405,000	2,018,401	83.93	67.86	6	37.83	36.41	27	45.08	63.35
1988	2,404,000	2,199,014	91.47	70.50	3	48.71	50.15	33	53.25	72.47

¹ VAP—Voting age population.

Source: Prepared by staff of the Oklahoma State Election Board.

Mr. NICKLES. Madam President, I also ask unanimous consent that a letter from the secretary of state of the State of New York, representing the National Association of Secretaries of State, be printed in the RECORD.

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

STATE OF NEW YORK,
DEPARTMENT OF STATE,
Albany, NY, March 2, 1993.

Hon. DON NICKLES,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NICKLES: As President of the National Association of Secretaries of State (NASS), I am writing to express our association's strong support for the concepts in H.R. 2, the National Voter Registration Act of 1993. In 1989, NASS went on record in support of the concept of Motor-Voter; a copy of that Resolution is attached for the record.

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

Therefore, I would like to express our Association's support of the amendment you plan to offer during Senate deliberation of the Motor-Voter bill which would condition implementation of the provisions of H.R. 2 on the provision of funds for states and localities to properly fulfill the requirements of the bill.

As an organization representing the chief election officials of forty-four states, NASS is in the forefront of attempts to ensure maximum voter participation. In the past we have undertaken studies and made recommendations aimed at identifying and eliminating structural barriers to registration and voting. Today, our work continues in many forms primary among them the work of the National Commission on the Re-

newal of American Democracy, also known as "Project Democracy."

The work of that Commission is showing clear proof that making it easier for citizens to register has a direct impact on electoral participation. Clearly "Motor-Voter" is one method that has been tried in several states with some noticeable results. To further substantiate the results of the efforts of some of the pioneering states which have already implemented a form of motor-voter, I would refer you to the testimony of several of my colleagues who testified before the Committee on House Administration's Subcommittee on Elections.

Motor-Voter and agency-based registration can have very positive impacts on participation in our democracy; providing funding will go a long way toward ensuring that they are properly effectuated. It will also initiate a new partnership approach between the federal government and the states in conducting our electoral process.

Sincerely,

GAIL S. SHAFFER.

Mr. NICKLES. The essence of this letter is: Please do not pass an unfunded mandate.

Madam President, I further ask unanimous consent that a letter from Bob Taft, secretary of state of Ohio, be printed in the RECORD.

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

SECRETARY OF STATE,
Columbus, OH, March 3, 1993.

Hon. DON NICKLES,
U.S. Senate, Hart Senate Building, Washington,
DC.

DEAR SENATOR NICKLES: I am writing to endorse your amendment to H.R. 2. The National Voter Registration Act of 1993, which seeks to delay the bill's provisions from becoming effective until Congress authorizes and appropriates the funds to pay its costs to the States.

Ohio already has motor-voter and registration by mail. I have continuously sought to make voter registration more convenient

and accessible for all Ohioans, and I support H.R. 2 because it will help us to accomplish that goal.

However, the federal motor-voter bill contains several mandates that are of great concern to me and the election officials throughout Ohio due to the costs associated with them.

In addition to the significant costs associated with the implementation of the motor-voter system described in H.R. 2, the purge procedure outlined in the bill are equally costly. Under H.R. 2, voters could not be removed from the voter rolls until after the second federal election following the mailing of a forwardable postcard. This will require Ohio to add two additional years to our purge cycles, causing boards of elections to bear the costs and the risks of inflated voter rolls during that period.

The use of the National Change of Address System is an option for certain counties. However, there is a substantial cost associated with that system which is likely to be prohibitive to a number of counties in Ohio whose budgets are under tremendous strain.

A delay in the effective date of this bill until Congress authorizes and appropriates the funds necessary to carry out this mandate clearly seems warranted given the already serious financial constraints other unfunded mandates have placed on State and local governments. I hope the Senate will adopt your amendment.

Thank you for your efforts on this measure.

Sincerely,

BOB TAFT,
Secretary of State.

Mr. NICKLES. Madam President, I ask unanimous consent that a table from the Committee for the Study of the American Electorate, showing total registration as a percentage of voting-age population 1980-92 be printed in the RECORD, as well.

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

TOTAL REGISTRATION AS A PERCENTAGE OF VAP 1992-1960

State	1992 VAP	1992 reg.	1992 percent VAP reg'd	1988		1984		1980	
				Percent VAP reg'd	+/- 92-88	Percent VAP reg'd	+/- 92-84	Percent VAP reg'd	+/- 92-80
Alabama	3,056,000	2,367,972	77.49	79.43	-1.94	81.03	-3.54	77.70	-0.21
Alaska	395,000	315,058	79.76	81.86	-2.10	87.22	-7.46	93.65	-13.89
Arizona	2,749,000	1,963,492	71.43	70.69	0.74	65.64	5.79	56.89	14.54
Arkansas	1,768,000	1,317,944	74.54	68.74	5.80	67.93	6.61	73.03	1.51
California	22,668,000	15,101,473	66.62	66.67	-0.05	68.26	-1.64	64.74	1.88
Colorado	2,501,000	2,002,522	80.07	83.18	-3.11	68.99	11.08	67.56	12.51

TOTAL REGISTRATION AS A PERCENTAGE OF VAP 1992-1960—Continued

State	1992 VAP	1992 reg.	1992 per- cent VAP reg'd	1988		1984		1980	
				Percent VAP reg'd	+/- 92-88	Percent VAP reg'd	+/- 92-84	Percent VAP reg'd	+/- 92-80
Connecticut	2,535,000	1,955,268	77.13	72.07	5.06	75.09	2.04	74.06	3.07
Delaware	525,000	339,968	64.76	63.93	0.83	68.42	-3.66	69.58	-4.82
District of Columbia	459,000	340,953	74.28	63.51	10.77	56.08	18.20	58.35	15.93
Florida	10,586,000	6,541,825	61.80	62.78	-0.98	64.44	-2.64	63.47	-1.67
Georgia	4,950,000	3,177,061	64.18	64.04	0.14	64.73	-0.55	63.74	0.44
Hawaii	889,000	464,495	52.25	54.45	-2.20	55.34	-3.09	57.79	-5.54
Idaho	740,000	608,339	82.29	81.43	0.86	84.74	-2.45	89.94	-7.65
Illinois	8,568,000	6,600,358	77.03	73.61	3.42	76.59	0.44	75.66	1.37
Indiana	4,176,000	3,180,157	76.15	69.71	6.44	76.34	-0.19	75.65	0.50
Iowa	2,075,000	1,703,576	82.10	79.53	2.57	81.36	0.74	81.81	0.29
Kansas	1,836,000	1,365,849	74.39	68.50	5.89	71.75	2.64	74.60	-0.21
Kentucky	2,779,000	2,076,263	74.71	73.63	1.08	75.06	-0.35	67.78	6.93
Louisiana	2,992,000	2,289,855	76.53	71.60	4.93	72.25	4.28	69.04	7.42
Maine	944,000	876,986	92.90	94.14	-1.24	94.81	-1.91	93.71	-0.81
Maryland	3,719,000	2,463,010	66.23	66.04	0.19	69.14	-2.91	69.04	-0.81
Massachusetts	4,607,000	3,346,111	72.63	71.74	0.89	73.17	-0.54	73.79	-1.16
Michigan	6,923,000	6,157,675	88.95	87.47	1.48	89.66	-0.71	87.82	1.13
Minnesota	3,278,000	3,138,901	95.76	91.13	4.63	94.64	1.12	95.04	0.72
Mississippi	1,861,000	1,640,150	88.13	86.49	1.64	92.60	-4.47	86.22	1.91
Missouri	3,858,000	3,057,413	79.25	76.63	2.62	80.07	-0.82	79.51	-0.26
Montana	586,000	529,882	90.42	86.27	4.15	89.14	1.28	88.64	1.78
Nebraska	1,167,000	951,395	81.52	75.99	5.53	76.88	4.64	75.57	5.95
Nevada	1,013,000	649,865	64.15	55.34	8.81	51.80	12.35	49.39	14.76
New Hampshire	852,000	660,895	77.57	79.53	-1.96	74.29	3.28	82.06	-4.49
New Jersey	5,943,000	4,060,337	68.32	68.05	0.27	71.51	-3.19	69.37	-1.05
New Mexico	1,104,000	707,642	64.10	63.36	0.74	65.03	-0.93	72.52	-8.42
New York	13,609,000	9,193,391	67.55	63.44	4.11	67.84	-0.29	61.67	6.48
North Carolina	5,217,000	3,817,380	73.17	70.33	2.84	71.32	1.85	64.92	8.25
Ohio	8,146,000	6,542,931	80.32	78.46	1.86	80.74	-0.42	76.03	4.29
Oklahoma	2,328,000	2,302,279	98.90	92.94	5.96	80.91	17.99	66.05	32.85
Oregon	2,226,000	1,774,449	79.71	72.73	6.98	81.08	-1.37	81.35	-1.64
Pennsylvania	9,129,000	5,992,696	65.64	64.07	1.57	68.90	-3.26	65.49	0.15
Rhode Island	776,000	554,081	71.40	71.73	-0.33	73.77	-2.37	77.11	-5.71
South Carolina	2,672,000	1,537,140	57.53	56.80	0.73	58.59	-1.06	55.78	1.75
South Dakota	502,000	448,292	89.30	85.00	4.30	86.99	2.31	91.70	-2.40
Tennessee	3,783,000	2,726,449	72.07	66.04	5.03	73.93	-1.86	70.98	1.09
Texas	12,524,000	8,422,127	67.25	68.81	-1.56	69.18	-1.93	65.54	1.71
Utah	1,142,000	965,211	84.52	75.63	8.89	82.31	2.21	83.61	0.91
Vermont	429,000	282,371	65.82	62.93	2.89	65.15	4.21	84.30	5.06
Virginia	4,842,000	3,054,489	63.08	62.98	0.10	63.19	-0.11	58.59	4.49
Washington	3,818,000	2,814,680	73.72	71.59	2.13	76.18	-2.46	73.57	0.15
West Virginia	1,350,000	956,172	70.83	69.29	1.54	72.00	-1.17	73.90	-3.07
Wyoming	322,000	235,116	73.02	66.72	6.30	67.60	5.42	66.09	6.93
Overall	184,917,000	133,673,544	72.29	70.69	1.60	72.82	-0.53	70.24	2.05

Source: Committee for the Study of the American Electorate.

Mr. NICKLES. Madam President, this table will show that many States are doing an outstanding job, and yet we are still going to mandate to those States that they have to provide voter registration at welfare agencies, et cetera, without paying for it. Sorry States, or sorry counties, we don't care how much it costs. This is big Government telling you how to operate your registration business.

Madam President, I see this as just part of a cycle of several things that are going on.

The Senator from Kentucky said earlier, "Well, many Republicans defeated the so-called jobs bill."

Well, if he wants to debate that issue again, I will be happy to debate it. It was not a jobs bill. It was a bill that was going to add \$19.5 billion to the deficit. It was a politicians' pork barrel bill. Proponents of it were just going to go out and spend \$19.5 billion and then have the nerve and the audacity to call it an emergency so it would not be counted as part of the budget. They wanted \$19.5 billion to be added to the national debt.

Many of us were very opposed to that. We spoke out loudly. We had several amendments to reduce that amount.

The Senator from Kentucky mentioned that \$4 billion of that went through. He said no one voted in opposition, because it passed by voice vote by unanimous consent.

I will tell my friend from Kentucky that this is one Senator who voted against the authorization bill providing \$4 billion of unemployment compensation that was not paid for. As a matter of fact, many of our colleagues voted against it because we did not want to add to the national debt. We already had a vote on the record that says that we do not think this is right.

Many of us said, when the unemployment compensation authorization bill came up, that we should not pass it unless we pay for it. When we had unemployment compensation extensions in the past—and we have had three in the last few years—we paid for it.

You might remember, that President Bush insisted on, and actually used his veto to enforce, that if Congress was going to pass an unemployment extension that we would pay for it.

Most of us were willing to make the cuts necessary. We offered amendments to pay for the extension. We said let us have cuts in other areas. The ones that passed, if I remember, in 1990 and 1991—maybe it is 1992—paid for it by tax increases. I did not particularly like that, but at least we paid for them.

So I want the record to be very clear many of us have been very consistent. We do not want to add to the national debt. We do not want to break the budget rules. And, frankly, the so-called stimulus plan broke the budget rules because proponents claimed it

was an emergency situation. Well, most know that emergencies are earthquakes or natural disasters, significant events we feel we need to move on immediately. The so-called stimulus package funded 40 different programs, programs that were already in existence and certainly was not an emergency. It added more money to spend and added all of it, 100 percent of it, to the national debt. So we opposed the pork-barrel package.

Many of us on this side of the aisle have been consistent in opposing unfunded Government mandates. That is exactly why most of us are opposing the so-called motor-voter. We do not want unfunded mandates.

When the bill passed the Senate, we gave the States the option to have it at welfare offices or other offices, including tax collection agencies. Lo and behold, it comes back from conference and it is a mandate to offer registration at welfare offices, and an option to do it at revenue offices.

Again, many of us have consistently tried to say we do not want to pass unfunded mandates on States and cities and counties. We do not want to pass mandates on the private sector that are going to cost jobs. This is the reason why this Senator tried to pass an amendment calling for an economic and employment impact statement of new laws and new regulations proposed by Congress and Government agencies.

Congress should know how much it is going to cost. We at least ought to have that information. If you are talking about costing over 10,000 jobs, we should know it. Or if the law or regulation is going to cost the economy over \$100 million, we should know it. This amendment came within one vote of passing on the bill to elevate EPA to Cabinet level status.

I might mention we had a few Democrats who voted with me. I thank them for that. The amendment lost by one vote. I assure my colleagues that I am going to try again because that is a fundamental issue that is most important, and it is very much in sync with what we have here. We do not want unfunded mandates, and we also think we should know what the cost of legislation is. If it is going to put people out of work, we should know it before we pass it.

I will just give a couple of examples. Congress is going to be considering, right now, a proposal by President Clinton to increase Btu taxes. The Btu tax is an energy tax. It is a gasoline tax. It is going to cost everybody in America 8 to 10 cents a gallon more for gasoline. That is in spite of the fact that when President Clinton was a candidate he said he was opposed to a gasoline tax increase. Now as President he is in favor of it. An energy tax is going to cost jobs. It is going to increase diesel costs probably 8 to 10 cents a gallon; everybody's home heating oil about 8 to 10 cents a gallon—in the original proposal it probably would have been more—everybody's utility bills, residential customers, will see a 4- to 4.5-percent increase; utility bills for industrial customers in my State, 7.9 percent, and in most States probably a comparable amount. It is a tax that is twice as high on oil as it is on coal. I thought one of the reasons he wanted to pass it was for environmental purposes. That does not seem to make sense.

The real impact is it is going to put a lot of people out of work. I think we should know that. The biggest private employer in the State of Oklahoma is American Airlines, and they lost \$985 million last year. This tax is going to cost them \$200 to \$300 million a year. They cannot pass this charge on. They are already losing money. They are hemorrhaging money. Yet I would like to know how much that is going to cost. They are laying people off today. How many more people will lose their jobs as a result of President Clinton's gasoline tax increase and aviation fuel tax-increase bill? I want to know. I want to know before we vote.

Again, many of us on this side of the aisle have been very consistent. No, we do not want to add more money to the debt. We do not want to just spend money we do not have. We do not want to pass unfunded mandates on States and on cities and on counties and on

employers. Yet we see a lot of proposals coming down the pike. This administration is wound up. They are geared up. They are ready to go. They want to have a domestic agenda, and their domestic agenda is going to mandate that health insurance be provided by every employer large and small. This mandate will cost hundreds of thousands of jobs, and we need to know how many before we pass it.

I happen to be one of the few people in the Senate that came from the private sector. I had a small business. I had a small business that did not provide health insurance for our employees. It was a little janitorial service. If you pass that mandate, what you are going to do is you are going to kill a lot of those little businesses that are trying to grow, trying to get started. They just will not happen.

So we need to know what the impact of legislation is before we pass it, whether it is a Federal mandate on States and counties or a Federal mandate on businesses. We need to know before we do something foolish, before we do something that is going to cost jobs, before we do something that will suffocate an economy that is already not as good as we would like for it to be, not as good as it should be, not as good as it could be. So it is awfully important we be careful that we not just add to the debt.

You talk about adding to the debt and then raising taxes. Congress is now in the process of considering the largest tax increase in history. The Finance Committee and the Ways and Means Committee are now meeting to consider ways to raise \$273 billion to take out of the private sector with the thought we are going to take this money from the private sector because we can spend it better. This is a massive tax increase. I will tell this Chamber, it is going to cost a lot of jobs. We need to know how many jobs it is going to cost.

At the same time, we have the President's health care task force headed by Mrs. Clinton that is talking about a new payroll tax that will cost jobs. They are going to sock it to employers. They are going to sock it to the people who are trying to provide jobs. The administration is talking about a value added tax, which is just a hidden inflationary tax that is going to hit every American. They are talking about mandating health insurance on all employers. That is going to cost hundreds of thousands of jobs and cripple a lot of small businesses. And now we are looking at a new program. There is no limit to the new programs.

I was in a Subcommittee on Appropriations yesterday where there is a lot of discussion about a national service program. Everyone is so excited about this new program. There will be a new Federal corporation for national service. I think it is going to be a new

boondoggle. I think it is a program that has enormous potential to explode in cost. As a matter of fact, even under the administration's own figures it explodes in costs. It starts out this year at a cost of \$394 million. The President's budget requests \$394 million for fiscal year 1994.

In 1995 they are requesting \$1.25 billion. That almost doubles again in 1996 at \$2.4 billion. And by 1998 it increases to \$3.4 billion. This new Federal program starts at a little less than \$400 million in 1994 and in a period of just 4 years we are up to \$3.4 billion.

What are we going to get for that \$3.4 billion? I have heard some grandiose statements. We are going to make college available for everyone, and if they work for a couple of years, we are going to give them a couple of years of Federal aid.

Wait a minute, let us look at how much this is going to cost.

The President's program initially talked about \$6,500 of educational assistance per year for each participant. The administration scaled it back to \$5,000? This was done because the program would have been much more beneficial than the GI bill, so they scaled it back to \$5,000 per year.

So, if a person works 1 year they are going to get a \$5,000 educational benefit. At first, one might think national service is a worthwhile program, but at what cost to the taxpayer. The administration stated in the budget that the program would benefit 25,000 people in 1994 and 150,000 people by 1998. The cost per participant in 1998, if you divide the \$3.4 billion by 150,000 recipients, totals \$22,667 per participant for 1 year of service. If they work 2 years, they get twice that amount. So, you are talking about \$45,000 per participant for 2 years of service. And we are going to benefit 150,000 people.

My land, I hate to tell the administration this, but presently the Federal Government is benefiting, in 1990 3.2 million people with the Pell Grant Program.

There are 3.9 million people in the Guaranteed Student Loan Program. We help the guaranteed student loan participant at a cost of \$2,700 per person and the Pell grants, \$1,400 per person. Although I realize both these programs have their problems and need reform, they are still a lot more economical than \$45,000 per participant per year that we are looking at in 1998 that is only going to help 150,000 people under the National Service Program proposed by the President. We are talking about helping 150,000 versus 8 million.

I will tell you, that this National Service Program will cost more than the President has estimated. I asked Peter Edelman, the President's senior adviser to the White House Office of National Service, how much this program was going to cost. He stated that the new program's cost will follow the

VISTA Program. According to the 1993 annual report of the Commission on National and Community Service, the VISTA Program right now costs about \$16,000 per participant per year. Mr. Edelman gave estimates of \$8,500 per year for the stipend to be paid to each participant this figure contradicts what the Commission says in their report.

It is also assuming almost zero for administration expenses. That is not the case. It will not be the case. This national service is really going to turn into national servitude.

Then I have a problem because I am trying to figure out who is going to decide who does what. Mr. Edelman said it is going to be national service but it is not going to displace anybody's job. We are going to make sure it does not take union workers' jobs; we are going to make sure nobody in the private sector loses their job because of this program. Therefore, politicians or bureaucrats are going to decide what worthwhile jobs are going to be done. Although there are projects that are worthwhile, I fear the majority of the jobs will be Government "make-work" jobs. They will be jobs where they are learning no real skills.

We have millions of volunteers in this country who are working at almost no expense helping to provide valuable services to society. Why does the Federal Government need to try to compete with them? Why would we try to duplicate their services? Why would we have the idea the Federal Government could come in and do a better job than volunteers? I do not know.

What kind of a training is it for a person to go out and work for the Government for 2 years in exchange for \$10,000? What are they learning? I am afraid they might learn some work habits that are not very good. Many people have heard the saying, "Well, that is good enough for Government work." I do not know that is the kind of work ethic or training we will be giving our young people.

I do not know that I want politicians and bureaucrats deciding what kind of social services should be provided that are not being provided today by volunteers. I will concede that there would be some good programs that would help some people. I am not saying there could not be some successes somewhere, but I am concerned we are talking about a national program that would cost the U.S. taxpayer billions of dollars. In Mr. Edelman's statement, he talks about hundreds of thousands of beneficiaries. Wow, this thing is going to cost a lot. This is a program which will only benefit 150,000 people at a cost by 1998 of \$3.4 billion. This program is new spending. That is all money that is just going on to added Federal debt. Money that will come from the U.S. taxpayer.

I just have serious reservations about it. I heard a couple of my colleagues

say, when it was introduced yesterday—and they are very excited about it; they are excited about this new Federal Corporation for National Service. I am not sure it should not be called new "Federal Corporation for National Servitude," where politicians get to decide what individuals will do in exchange for a year: "Yes, you give me a year of your service, young person, middle age person, senior citizen, and we will give you a \$5,000 educational benefit."

I am stating today for the record the cost of this program will explode. If it is an attractive program, the demand will increase. In 1990, there were 14 million students enrolled in college. This program has the potential to expand to monumental proportion.

My guess is you will have a lot of programs that would be worthless and a lot of programs that would have some merit. My point is we are going to be creating a new Federal program that will explode in cost. If it costs \$3.4 billion for 150,000 students, and you have a total population of 14 million, you can see the demand can greatly exceed our wherewithal, our capability of paying for it. If we are going to start the program in 1994 at \$400 million and just four years later we are spending \$3.4 billion and you are not servicing or helping but a very small fraction of a percent of available participants, you can see this program can only explode, can only go very high, not to mention the fact of the national servitude.

So the cost per job, the cost per participant, \$5,000 for 1 year service, another \$5,000 for 2 years of service, that is \$10,000. We probably would be much better off to give the participant the \$5,000 or \$10,000 than to say, "Now we want you to work for Uncle Sam," or "We want you to commit to 2 years of public service and we are going to pay you a stipend based on minimum wage."

I asked Mr. Edelman yesterday if he knew what minimum wage was. He said, "Yes, \$4.25." I asked: "Do you know that the administration is talking about increasing it?" He said no. The administration is going to index the minimum wage for inflation. This means the cost of this program is going to explode.

The President has also said the beneficiaries under the program are going to receive medical care. That may cost a couple thousand dollars per year. And we are going to provide day care services.

So you start adding up the costs. If a person is drawing minimum wage, if they work 2,080 hours a year, you are already looking at about \$8,800 per year. If they receive health benefits, that could be \$2,000, \$3,000 a year, assuming it is an individual. If it is a family, you may be talking about \$4,000 or \$5,000 a year. So now you are up to \$10,000. Day care services, let us throw in another \$1,000 or \$2,000. And you are

up to \$12,000 before the educational benefit of \$5,000 or administrative costs.

I am saying this program will explode. The program we are going to emulate, VISTA, costs \$16,000 per year. So the beginning of this program is not going to cost the \$8,500 the administration is talking about, it is going to be at least, I am going to say, \$12,000 or \$13,000 per year of community service excluding the educational benefit.

My guess is by 1998, it will exceed the \$22,000 projected by the administration. It will exceed the \$22,000. I want that in the RECORD. I may well be here in 1998, and I want to refer to the RECORD and find out how much it is costing. Maybe my friend and colleague from Kentucky will be here and we can look back and see this program and see how much it costs per participant.

If they serve in the program for 2 years, if it is \$13,000 a year now—I think it is going to be over \$22,000 a year by 1998—if they serve in it for 2 years, that is \$22,000 in 1994, it will be a little more in 1998. This program compared to the Pell grants or the Guaranteed Student Loan Program is not economical.

I think the administration is getting ready to start a program that will grow astronomically. It will exceed any inflation rate that anyone could even fathom today.

I think we have to be very careful. Some of us serve on the Appropriations Committee; some of us serve on the Budget Committee; and some of us are dedicated to the proposition that we should be cutting the deficit; and that we should not be opening and creating new programs that will only explode in cost.

Madam President, I am truly concerned about a trend I see in this Congress. There is a pattern of new spending, increasing the deficit, increasing taxes, and a propensity to place unfunded mandates on States, local governments, and employers. I have consistently opposed all of these things and that is why I am before you today opposing the motor-voter bill.

Madam President, I ask unanimous consent that two articles, one, the "National Service Boondoggle" that was in the Wall Street Journal on March 2 of this year, and also "National Service and Fidel's Sugar Cane," which was in the Wall Street Journal on March 25, be printed in the RECORD, as well as a chart showing the cost per participant which we have calculated.

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

[From the Wall Street Journal, Mar. 2, 1993]

THE "NATIONAL SERVICE" BOONDOGGLE

(By Doug Bandow)

Pacifist William James hated war but liked its fruit. In 1919, he penned words that have become well-nigh immortal, calling for a "moral equivalent of war" in which "the

martial virtues" would be inculcated in young men in peacetime. "Our gilded youths would be drafted off," he wrote, "to get the childishness knocked out of them, and to come back into society with healthier sympathies and soberer ideas."

James's vision became the fount of a host of contradictory proposals involving military conscription, universal civilian service and voluntary programs. The latest is President Clinton's plan, unveiled at Rutgers yesterday, to provide as many as 150,000 students with two years of college tuition for every year of service in a government-approved job.

Mr. Clinton's program is nothing new. In 1988, the Democratic Leadership Council, to which he belonged, proposed a massive "Citizens Corps" of young people. The program was premised on alleged American decadence, self-absorption and selfishness, inflamed during the "decade of greed," as the 1980s were dubbed.

Candidate Clinton was too interested in being elected president to criticize potential voters in these terms, however. He used more positive rhetoric to propose allowing 250,000 or more people to work off their student loans through government service. Deficit concerns have caused the administration to propose starting with a pilot program, to expand over time. Still, Mr. Clinton said in his radio address last Saturday that he ultimately wants to reach "hundreds of thousands of students."

Service seems so obviously a good thing that many people automatically embrace politicians who use the phrase "national service." The basic question, however, is service to whom? Proposals for national service assume that citizens are responsible not to each other but to the state. Even voluntary programs like Mr. Clinton's imply a unity of society and state, with work for the latter equated to service to the former.

Opportunities for genuine service abound. Roughly 80 million people now participate in some volunteer activities. Much more could be done, of course. But the remedy is not yet another federal program.

Another bias held by national-service advocates is that "public" service is inherently better than private service. What makes shelving books in a library more laudable or valuable than stocking shelves in a bookstore? Private-sector workers—health-care professionals, medical and scientific researchers, business entrepreneurs and inventors, artists—provide enormous public benefits.

Moreover, the implementation problems are dizzying. Mr. Clinton said that he would not allow any job displacement, which would prevent participants from performing the most valuable work. Any job that could possibly be handled by a union member would have to be excluded to avoid unremitting labor opposition.

More important, what work would participants do? Today the Peace Corps and Vista, along with the more than 60 state and local programs, involve only some 18,000 people. How would we employ 150,000, 250,000, 500,000 or more people?

They would meet "unmet social needs," national-service advocates respond. But as long as human wants are unlimited, the real number of "unmet" social (as well as business) "needs" is infinite. It is meaningless to talk about millions of "unmet" needs; and since labor is not a free resource, it would be even more foolish to try to satisfy all of them.

The key to the national service debate is opportunity costs. Paying young people to

shelve library books requires forgoing both whatever else could be done with the money they are paid and whatever else the participants would do. Indeed, the Clinton program would delay the entry of hundreds of thousands of people into higher educational studies and the work force. There is no reason to assume that a dollar going to national service will yield more benefits than an additional dollar spent on medical research, technological innovation or any number of other purposes, private and public.

Another problem involves the military. The end of the Cold War has slowed recruiting. Providing educational benefits, long an important military vehicle for attracting college-capable youth, for civilian work may hinder recruiting for what remains the most fundamental form of national service—defending the country.

Still, what of the serious problems confronting us? In many instances the government bars effective private responses. Minimum wage laws forbid the hiring of dedicated but unskilled people and inhibit rehabilitation programs, like that run by the Salvation Army; restrictions on paratransit operations limit private transportation for the disabled.

In any case, only narrowly targeted responses—attracting a few thousand extra caregivers for the terminally ill, for instance—are likely to work. The pervasive fraud and waste endemic to "public service" programs like CETA hardly augur well for yet another large-scale federal effort at social engineering.

Further imagine the bureaucracy necessary to decide what jobs constitute "service." Who would sort through union objections to "unfair competition," match hundreds of thousands of participants to individual posts and monitor the quality of people's work? Consider the disastrous mess made of the student loan program by the Education Department; not surprisingly, the Congressional Research Service has warned that the government cannot administer the program as efficiently as the private sector. An unwieldy bureaucracy enforcing the controls that inevitably follow federal money is not likely to promote inexpensive and innovative solutions to human needs.

Even worse, federal involvement is likely to politicize private humanitarian activities. Congressmen oppose efforts to close local government offices; interest groups twist social programs to their benefit; labor unions block proposals to contract out work. Imagine the likely infighting over a program involving the services of hundreds of thousands of young people. What, for instance, will Mr. Clinton say when the Democratic Party's favorite political, sexual and social lobbies, like Act Up and Planned Parenthood, come calling to demand "their" quotas of service workers?

Finally, money has to be an issue when the president is calling for massive tax hikes. The administration is initially proposing to spend \$9.5 billion over five years, but the costs could escalate quickly. Providing participants with two years of school for every year of work means that they will earn more than \$60,000—say, \$40,000 in tuition breaks and \$20,000-plus in salary and health benefits—for "serving" two years. That's over \$9 billion for 150,000 participants, not counting the costs of the federal bureaucracy necessary to manage the program.

Alas, Mr. Clinton's scheme would likely end up no bargain. It would expand federal power, politicize the independent sector, increase an already nightmarish deficit and si-

phon tens of thousands of young people out of productive private labor and into make-work projects.

What we need instead is a renewed commitment to individual service—some part-time, some full-time; some through the family, some through churches and some through civic groups. America's strength is its combination of humanitarian impulses, private association and diversity. Which is why we should take the "national" out of service.

[From the Wall Street Journal, Mar. 25, 1993]
NATIONAL SERVICE AND FIDEL'S SUGAR CANE

(By Joshua Glider)

Among the most celebrated items in President Clinton's economic package, headed for a Senate vote soon, is his program for national service, a plan he also has called a new "domestic Peace Corps," whereby students would be able to pay off college loans with community service. For those who like the idea, I offer as a cautionary tale the account of my own experience as a beneficiary of the first "Domestic Peace Corps" 25 years ago.

That program, started by Lyndon Johnson in 1964, was officially dubbed Vista, for Volunteers in Service to America. Although it didn't have the college loan component of the Clinton plan, it was remarkably similar in the way it was sold to the American people as a way of tapping the "energy" and "idealism" of our nation's youth and directing it toward the poor, especially in the ghettos. As a sophomore at the public high school in Scarsdale, a well-to-do suburb just outside New York City, I didn't exactly fit the profile of your typical ghetto resident, but to Ben and Jerry that was the point.

Ben and Jerry (not of ice-cream fame) were two Vista volunteers who had come to Scarsdale to organize a local chapter of the SDS. This was before the SDS, or Students for a Democratic Society, had turned violent. It was still just a "student organization," albeit a strongly leftist one, and I, going through my 1960s-style adolescent rebellion, accompanied my friends to a meeting.

Ben and Jerry were older, college graduates I believe, bearded and affable. I remember we sat around in awe as they talked to us about the SDS and the U.S. "war on the people of Vietnam." Their mission in Scarsdale, they said, was to "radicalize the sons and daughters of the middle class and so bring on The Revolution." Ben and Jerry clearly enjoyed the irony of getting the middle class to pay, through the Vista program, for its own subversion.

At first our meetings entailed complaining about the fascist Scarsdale High School administration, but along around the third meeting Ben and Jerry got more serious. They told us about the trouble Comrade Fidel was having with his sugar harvest. All progressive peoples were expressing "their solidarity with our brothers in Cuba" by joining the Venceremos Brigade and flying down to Cuba to cut sugar cane.

For a 15-year-old who was at that time saving his allowance to buy the latest Jefferson Airplane album, traveling to Cuba was prohibitively expensive. Ben and Jerry helpfully explained, however, that if we didn't have the money ourselves and if our parents wouldn't pay for it, then "money could be found."

My mind ground its gears trying to shift up into that concept. Somebody was going to pay my way to Cuba to cut sugar cane? Who were these generous people? I asked. Ben and

Jerry said they would rather not say, but there were people with money who believed in the cause. Really? I tried to calculate how much sugar cane I would have to cut to even pay back the cost of the plane ticket.

I'd like to say I had a sudden revelation of what was wrong, but that didn't come until many years afterward, when I saw a documentary with interviews of several students who went down on the Venceremos Brigades. They described very little cane harvesting, but a lot of communist indoctrination. Volunteers who showed promise were persuaded to go for further "study" in the Soviet Union, where they were recruited by the KGB.

At the time, I was mostly concerned about my coming midterms, but I suppose my commitment to The Revolution wasn't really that strong either. In the end, no one in our group signed up. Ben and Jerry stopped coming around and the Scarsdale Chapter of the SDS disbanded.

Whether Ben and Jerry's superiors in Vista knew what they were up to, I have no idea, but the record suggests my experience wasn't unique. The radicalization of Vista became endemic in '70s and, like the Legal Services Corp., its "volunteers" became notorious for confrontational tactics—organiz-

ing tenant strikes and such. This continued until the '80s, when the Reagan administration, in yet another example of its "callous indifference to the poor," cut Vista's budget severely.

The most interesting thing about the episode, however, is the response I get from liberals when I mention my experience with Ben and Jerry. They are shocked. Shocked! But not that the U.S. government was funding Soviet recruitment. They are shocked at my "McCarthyite tactics." If what I say is true, I'm told, it illustrates nothing more than that some "idealistic young people" got carried away in the '60s.

The fact is that the unseemly side of the radical left exists quite comfortably under the institutional umbrella of liberal activist groups—yes, even today. When it became apparent that President-elect Clinton's "cluster coordinator" for education, labor and the humanities, Johnnetta Cole, was a member of the national committee of the Venceremos Brigade in the 1970s—and is still an ardent supporter of Castro—the response of the Clinton transition team was a peevish, So What?

Ms. Cole didn't get the top job she was expecting. But Donna Shalala, the new head of the Department of Health and Human Serv-

ices, who had recommended Ms. Cole for her present job as president of Spelman College in Atlanta, obviously suffered no embarrassment.

Now that support for Cuba appears more and more like a futile exercise in left-wing nostalgia, the activist agenda is focusing on domestic policy, specifically toward children. We see the cutting edge in the New York City school system, where the recent push has been for "diversity," including lessons in the gay and lesbian "lifestyle."

As in the past, the left wants the government to bankroll its agenda, and a domestic Peace Corps is the perfect vehicle. Who is going to employ all these activist wannabes? Can we doubt that it is the Johnnetta Cole and Donna Shalala types who will end up running the new domestic Peace Corps? Is it hard to imagine what kind of lesson they will be teaching all those "idealistic young people" who sign up for "national service"?

Mr. Clinton is clearly underestimating his budget for the program. Independent analysts say it could cost as much as \$12 billion. That could cut a lot of cane.

NATIONAL SERVICE

	1993	1994	1995	1996	1997	1998	Total
Budget authority (billions)	(1)	\$0.394	\$1.250	\$2.400	\$3.400	\$3.400	\$10.844
Outlays (billions)	(1)	0.103	\$1.042	\$1.890	\$3.000	\$3.400	\$9.435
Number of participants	(1)	25,000	(?)	(?)	(?)	150,000	(?)
Cost per participants	(1)	\$4,120	(?)	(?)	(?)	\$22,667	(?)

¹ President Clinton's stimulus package contained \$15,000,000 in budget authority and \$12,000,000 in outlays for the Commission on National and Community Service to initiate a National Service pilot program.

Note: The pilot program would have benefited 1,000 participants at a cost per participant of \$12,000.

Mr. NICKLES. Madam President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I will not be very long. I just want to make a point, I say to my good friend from Missouri.

Madam President, listening to the Senator from Oklahoma, you would think we were on the national service legislation. We have a timeframe here in order to discuss the 1993 Voter Registration Act.

Now we are back at the same old game of fear. We throw \$2,000 in here; we throw \$4,000 there; we throw \$5,000 here, and it just explodes. Well, everybody can guess like everybody else, but nobody here has a crystal ball and we are supposed to be talking about registering to vote. So we get to fear gain, and so we talk about loss of jobs.

We throw out the value-added tax; we throw out the payroll tax; we throw out the Btu tax. We talk about thousands and thousands of jobs lost. We do not have it yet. We did not talk about the earned income tax credit, about those who make less than \$3,000 getting \$2,400 a year credit. That eliminates cost and shoves it where it ought to be.

And so I hope we can bring out our remarks here—we have at least another hour—as they relate to registering to vote. I hope we can keep it in that confinement.

I just wanted to draw our attention here to the fact we are not talking

about the national service program today for education.

The Senator is worried about a young person, a member of your family, having an opportunity to go to school, and what he or she has to do is put in a little service for the government—local or State—and get a credit for that. I do not understand why we do not want to help people, and why all we get is resistance; they are against everything.

But I will say one thing. The Senator from Texas [Mr. GRAMM] said that if it was just motor-voter—you just register to vote when you got your driver's license—he would be for that. Oh, he would be for that; this bill would be a good one. But he does not want the disadvantage. He wants to play on fear and no on hope.

I yield the floor, Madam President.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Missouri.

Mr. BOND. Madam President, I have listened with a great deal of interest to the very thoughtful debate and discussion today. My colleague from Oklahoma talked about his prior service in the private sector, and he expressed some very strong concerns about the mandates that we are putting on business. I think that is something we do need to be concerned about.

I say to my good friend from Kentucky, who just mentioned the earned income tax credit, frankly, that is one of the entitlement programs, mandated programs, that is growing so rapidly

along with health care that it is about to break the budget of the Federal Government. I join my colleague from Oklahoma as one of those who seriously thinks we ought to be curbing spending; we ought to be curbing unnecessary mandates.

I wanted to speak about this voter registration measure that is before us today because I came to this body with a background in State government. One of the reasons I felt it was important, one of the things I sought to achieve by running for office, by running for the Senate, was to do something about mandates which are being put on State and local governments.

We have seen over the years an explosion of mandated programs, benefits that people in Congress think ought to be provided by States and by local governments. Having served both in State government and in the Federal Government, I suggest the Federal Government does not have any wisdom that is necessarily far superior to that in State capitals and general assemblies and legislatures of America.

I believe that while we have adopted laws to make sure States and localities do not discriminate against voting, by and large, we have a very good system which differs from State to State, as it should, because we do have a Federal system under which certain responsibilities have been left to the States.

Now, however, we have this wonderful idea that Congress ought to mandate where people register to vote.

Many county clerks, clerks of the county commission, which are local elected officials, have told me they do not need more problems; they do not need more hassle. They want to make sure people are registered to vote, but they are also very concerned that only people qualified to vote register, that they only vote one time, and they only register one time. We have seen in too many areas across this country, in too many instances, that vote fraud still occurs.

A good friend of mine on the other side of the aisle, the former Governor of New Jersey, told a story that I love. He said he had a friend who was very active in politics, and he was dying of a terminal illness. He told his friend, he said, "Bury me in Jersey City. I want to continue to be active in politics and continue to vote after I'm gone."

My State of Missouri has instances, too many instances in the recent past, where voter irregularities occurred. We have set up a system—it is not perfect—in our State for voter registration. We have a secretary of state who is responsible for the voting in the electoral process in our State.

Our very able former secretary of state, Roy Blunt, visited me in Washington several times in the last couple of years to say how strongly he opposed an effort by the Federal Government to say we are going to mandate a whole new series of voter registration places. He talked about the burdens and the costs. And there will be costs, because we are going to be duplicating and duplicating and duplicating, many times over, the recordkeeping that is necessary when all of these different government agencies are supposedly handing out voter registrations.

It is going to put a significant burden on the county clerks in my State and the election boards in the major communities to make sure they bring back and collate and coordinate all of the separate registration information that has been made in all of these different government agencies.

Does anyone think the people who man these agencies, the driver's licenses or the welfare offices, the public assistance offices, do not have enough to do? Frankly, I think they have more than enough to do. Many of them are overburdened because of limited budgets.

They have important responsibilities. That is why we set them up. We set them up to provide driver's licenses. We set them up to provide for public assistance. That is their purpose. If they have time on their hands and they do not have enough to do, we ought to eliminate the positions, because we are appropriating scarce State and local dollars to fund these agencies. Some of the driver's license offices in my State are operated by individuals on a contract basis.

These are private individuals. They would be voter registrars too? How

much more are we going to pay them for that job? They get paid for performing the public service of providing drivers' licenses. They are not getting paid to register voters. Will the State have to come up with additional money for the voter registrations?

All in all we are talking about significant new mandates that are going to take time away from officials and private sector individuals and in license-free offices who have other responsibilities.

Why? All in the hope that maybe we can encourage more registration.

Two years ago the St. Louis Post Dispatch, which normally takes a very liberal democratic viewpoint—generally they do not agree, they and I do not agree on much of anything, they have really taken off after Republicans in this Congress. I am sure my colleagues on the other side of the aisle would enjoy reading many of the things they have said about us. But in this instance, I think April 26, 1991, they had some good points. They had an editorial headed "Easing Voter Registration For What?" To quote from the editorial:

A bill in the U.S. Senate would order States to allow people to register to vote when they apply for a driver's license. The bill also would require States to make voter registration applications available at public places, including unemployment, public offices, schools and libraries. The full Senate must weigh this bill's major drawbacks—

I emphasize major drawbacks—against its minuscule benefits.

I repeat, "minuscule benefits." To continue the quote:

There is no denying that this proposal has strong political appeal, especially among Democrats who apparently feel that revamping registration methods and procedures would boost voter turnout. The idea of making it easier for people to register is a fine one. But there ought to be concern about the way this bill would permit the Federal Government to usurp a responsibility that has been left to the States.

Let me insert parenthetically here that this is an editorial board that loves generally to see the Federal Government usurp local authority. Here they raise the very valid question that it is usurping State and local authority.

To return to the editorial:

There is no proof that making registration easier would mean a jump in voter turnout. In most political jurisdictions in Missouri and Illinois, for example, voter registration is relatively easy and convenient. But that has not changed the tendency of thousands to stay away from the polls. That tendency means the Senate bill is a political pipe dream. Its sponsors apparently have yet to get the message that many people fail to register and to vote either because they feel candidates are full of self-serving baloney, or because people assume that the election of one candidate over another will make little difference.

Low voter turnout, moreover, may well be due to the hours and days elections are held. The turnout might be higher if voting were

extended into the evening or if the elections were held on Sundays, perhaps, or even over a 2-day period. Many of the real causes of public apathy on election day will not be fixed simply by making registration itself easier.

Madam President, there you have it: This bill is a solution in search of a problem.

My friend from Kentucky cited a statement by Senator GRAMM of Texas who said earlier today that he would not mind if registration were made available through driver's license offices. I would object to requiring even that. I do not think that we have the duty or the responsibility or the necessity of trying a massive new redirection of State and local voter registration efforts. This is a mandate. This is a burdensome duty put on the backs of State officials and of local officials, all to no purpose.

I have to believe that the selection of welfare and public assistance offices is politically motivated. Certainly anybody who has been in politics knows that the best way to win an election, I think Abraham Lincoln said, was identify those who are going to vote for you, make sure they are registered or make sure they are qualified, and get them to the polls on election day. I think it is fairly accepted wisdom among pollsters and others who look at voter preferences that my colleagues on the other side of the aisle might feel justifiably that they would gain more votes than they would lose if they could get everybody who goes to the public assistance office to vote.

That is not what we ought to be about. We ought not to be about trying to skew election results. The Senator from Texas also talked about why we do not mandate voter registration in tax collection offices. He used the phrase "those who are pulling the wagon" to describe those who pay the taxes. They are paying the taxes to support the country, to support the State and local governments, to support the Federal Government. But are we mandating that they have registration available through the tax offices? No. I think that we are about a little bit of political one-upmanship.

This measure, to me, smacks of an effort not to deal with serious problems of the country, but to try to get a little bit of partisan advantage. I am opposed to it. I think when we look at voter turnout, we can see that it is the interest that is generated in the election that gets people out, that gets people registered. And to the extent that we have elections where people do not feel the candidates make any difference—they may not even like the candidates—they are not going to turn out to vote.

In 1992, according to a release from the Department of Commerce that came out on Wednesday of this week, the Census Bureau finds that voter turnout for the Presidential election

for 1992 was the largest since 1972. The author of Voting Registration in the Election of November 1992 says:

Sixty-one percent of the voting-age population said they went to the polls in 1992, the highest turnout recorded in the current population survey since the elections of 1972.

We have had years when there have been high turnouts; 1964 had a 69.3 percent turnout. That was a very hotly-contested election. It fell a little bit in 1967 to 68.7 percent; in 1972 it fell to 63 percent; and then in 1976, 1980, and 1984, it fell to 59 percent-plus. In 1988, it was down to 57.4 percent; but in 1992, it came back up to 61.3 percent.

I guess one could look at politics and analyze the demographics or look at the fact that there were three candidates in the race for President. That might have turned out the vote. But basically we get down to the fact that we need to have good candidates talking about real issues that affect us. That is what brings people to the polls. That is what makes people turn out to vote. They want us to be talking about problems that are of real concern to the country. They are concerned about the deficit. They are concerned about the economy.

I traveled throughout my State last year asking people what they were concerned about, and usually they were concerned about taxes, they were concerned about the economy, they were concerned about the future of agriculture. Not once did anybody at any place I went say, gee, it is so hard to register, we cannot get people out to register and thus we cannot get people to vote.

That is not the problem. We have a solution and no problem. I think that this is a solution designed to achieve a political result. Madam President, I think we ought to be worrying about more important things. In less than a week, I read about the deaths of three young children. A 2-year-old was beaten by a stepfather. One was run over by a cab driver in New York. An 11-month-old apparently starved to death here in Washington, DC. I will soon submit for the RECORD an article from the Washington Post of May 5, entitled "A Short Life Slips Away; Baby's Starvation Leaves Troubling Questions."

There is evidence to suggest that this young baby had a serious illness. Despite the illness, the mother never sought medical attention. He died at 11 months of age, and weighed only 9 pounds.

This is a tragic, tragic story. It raises the questions about the society we live in. How is it possible that a mother, who apparently cared for her children, and a grandmother, who lived nearby, did not seek medical attention for a child literally wasting away?

Our children live in a society that glamorizes sex and violence; teenagers become pregnant, and our children spend less time with their parents than

ever before. We ought to be talking about dealing with some of those problems and challenges. We ought not be devoting our time to attempting to gain partisan advantage through the registration process. That is why I feel this measure is not an appropriate one for this body to be debating. I think we ought to be talking about some of the things we can do to strengthen and preserve families, for example.

In the last 20 years, I have fought for women, infants, and children: Access to prenatal care; child care for latchkey kids; family leave; and the Parents as Teachers Program, which I think is vitally important. I think we ought to turn our attention to areas where Government policies can strengthen families.

A measure dealing with voter registration is not what we ought to be about. Those social service agencies that are providing assistance to families ought to be worrying about a child starving to death. Obviously, they did not get out and reach this family.

We are talking about putting an additional burden on the workers and on those offices, telling them that now, in addition to dealing with these terribly wrenching problems of children and dysfunctional families, where parents do not know how to take care of their child or where to take their child for assistance, we want to put another burden on them by telling them they must be voter registers. I think that is the wrong way to go.

Certainly, we ought to educate people about voting. We ought to encourage people to vote. But we do not need to use public assistance to do that. I think there are better ways of assisting families and helping their children.

I mentioned the Parents as Teachers Program. I have talked about it on this floor before. This is a parent education program to help them deal with their children as they are in the first 3 critical years of their lives. The program provides home visitations and screenings. I happen to think that the visits of parent educators to the home of Thomas might have helped get Thomas into an assisted program of health care.

But we are talking about making these people who go out and reach out to families in need worry about getting them registered.

Mrs. BOXER. Will the Senator yield for a question?

Mr. BOND. I am happy to yield.

Mrs. BOXER. Madam President, I wonder if the Senator would yield to the manager of this bill, because it is my clear understanding that there are no responsibilities at all placed on the social workers or employees. My understanding is that there will be forms available; if somebody asks for it, to take it.

I wonder if the Senator will yield to the Senator from Kentucky, because he

is raising an issue which I think is a nonissue in this bill.

Mr. BOND. Madam President, I appreciate the question that the Senator from California has raised. But I point out again that we are asking that the offices be utilized for voter registration. These tasks are not simple tasks; they are tasks that require time and effort. And putting a new burden on the people who man these offices is not an appropriate way to utilize their time. I happen to think that utilizing these offices takes away from the responsibilities that they already have.

I think that we have many, many problems in this country that needs to be dealt with through social service agencies. I do not feel that we need to be making voter registers out of the people who work out of public service offices. I do not think we ought to be imposing burdens on motor vehicle license offices to be the registers of voters. We have plenty of responsibilities and challenges that must be met through the public service agencies that we have today.

I go back to my basic point, which is that this is likely to lead to fraud in votes; it imposes additional requirements. There is no question that having multiple sites for registration is going to increase the costs of the election officials in each body, which are going to have to collate all of the information, check it, verify it; and people who they do not know are going to be involved in the voter registration process. The normal checks and balances, in many instances, are going to be bypassed.

That is why I think this bill, as I said, is a solution in search of a problem. We have a lot more important problems in this country than to have the Federal Government interfering in the electoral process that is run, and run better than we can run it from Washington, by officials who have that responsibility in State and local governments today.

That is why I urge my colleagues not to accept this measure.

I ask unanimous consent that the article I referred to earlier in my remarks be printed in the RECORD.

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

A SHORT LIFE SLIPS AWAY—BABY'S STARVATION LEAVES TROUBLING QUESTIONS

(By Tracy Thompson)

The last photo taken of Thomas McNeill shows him at 9 months, cradled in the arms of the woman who would later be accused of killing him—his mother.

Taken in a bare apartment in the Potomac Gardens public housing complex, the picture shows a tiny baby with huge, sad eyes and stick-like limbs, so thin he might be a child in some famine-ravaged country. His three siblings are also in the photo, looking healthy and well fed. And the two women in the picture—Thomas's mother and grandmother—are smiling proudly.

In April, less than a month after that snapshot was taken, Thomas was dead and his 22-year-old mother, Sandra Owensby, was charged with involuntary manslaughter. Police and autopsy reports accused her of killing her baby by the most incremental and brutal of means: starving him to death.

The photo is unsettling in the way that all pictures of the recently dead are. But it becomes all the more eerie because it captures in a portrait the details that continue to haunt Thomas's much-publicized death.

Police believe they've chased the ghosts. Thomas, they contend, starved under his mother's care.

But a reexamination of Thomas's short life raises as many questions as it answers. And many of the questions spring from that photo.

Could a mother starve one of her children, while the others were healthy? Would a mother proudly show off a child she was neglecting? Did Thomas have a genetic disease that bypassed his half brothers and half sister but might have led to his death? Did he receive medical care? Did he receive enough? And how could he starve with so many people looking on?

Thomas McNeil wasted away in a complex where neighbors played with him and watched him in his stroller, alongside two healthy brothers and a sister. He perished before the eyes of a mother who sporadically took her children for doctors' visits and had baby cereal and juice in the house on the day of his death.

Yet an autopsy revealed that the 10-month-old infant weighed only 10 pounds—less than some newborns—when he died April 2, and it found not a trace of even partially digested food in his body. Some of his organs already had begun to decompose, the report said.

Without a doubt, Thomas McNeil starved. The question is: How?

The answer to that question may now lie within the coils of the legal system; Owensby is scheduled to appear for a hearing today in D.C. Superior Court, where a judge will determine whether there is enough evidence against her to present the case to a grand jury. To police, it is an obvious case of criminal child abuse, of a type that is rare but not unheard of. According to the D.C. medical examiner's office, two children younger than 6 starved to death in the District in 1991, and last year one child suffered that fate.

But Owensby is just as adamant that she never harmed her son, a baby she described as sickly from the time he was born two months prematurely, and one who always had a hard time keeping food down.

Confronted with the autopsy five days after her baby's death, Owensby said, she tried to kill herself by jumping off a bridge. Since her suicide attempt, she has spent several weeks as a patient at St. Elizabeths Hospital, undergoing treatment for depression. Police arrested her on the hospital grounds April 15, and she was released on her own recognizance with two conditions: that she continue treatment and that she visit her children only in supervised settings.

A retracing of Thomas's short life uncovers some facts that do not fit with a simple story of child abuse.

Owensby's three other children, ages 18 months, 3½ and 6, were examined by a doctor on the day of Thomas's death and found to be healthy, according to an assistant to the Northeast Washington pediatrician who examined them. (There are now in foster care and were unavailable for interviews.)

Until Thomas began teething, his mother breast-fed him, said Connie Rice, the baby's

grandmother, who shared her apartment with Owensby and the children. Rice said the baby was fed formula as he aged and was given some solid food in an attempt to find a meal he wouldn't vomit.

In addition, a next-door neighbor said Owensby sometimes borrowed milk from her for the baby. A police officer in the apartment on the day of the baby's death saw a box of baby cereal in the refrigerator; a reporter who visited several days later saw two jars of unopened baby food in the pantry. And the Northeast Washington pediatrician has records showing Owensby brought Thomas and her other three children in for medical care, though only occasionally.

Pediatric specialists, who spoke from their experience but no firsthand knowledge of Thomas's case, say those facts, combined with the baby's rapid decline, raise the possibility that Thomas suffered from a congenital intestinal defect or from cystic fibrosis, a genetic disorder of the body's mucous membranes that often becomes active at about 5 months of age.

"Any time you have a youngster who doesn't thrive, who doesn't gain weight, who has pulmonary problems, you have to think about cystic fibrosis," said Ronald Kleinman, chief of pediatric gastroenterology and nutrition at Massachusetts General Hospital and chairman of the American Academy of Pediatrics Committee on Nutrition. "Another possibility is that this youngster did have a malabsorption" problem.

A shy young woman with a ready smile, Owensby has lived in the Washington area for most of her life. According to her mother, she left school in the seventh or eighth grade. Court records show that Owensby has no criminal record in the Washington area and that she showed no evidence of drug use at the time of her arrest.

In person, she seems by turns distraught with grief and unaware of the gravity of her situation. At her son's funeral on April 17, she spent most of the service outside, wordlessly pacing around the hearse as tears ran down her face. But two days earlier, she had smilingly greeted a reporter at the hospital, saying she had been enjoying old movies "because my doctor wants me to do a lot of activities."

Thomas was difficult to feed, she said, because he vomited often. He had always been small, she said, and though he ate "a lot" and gained weight, "it was in his belly, not his arms. All my kids are skinny, but they're not malnourished."

He also had chronic diarrhea and asthma, she said. Ventolin, a medication sometimes prescribed for asthma, was in her apartment, and the prescription was for Thomas. But, she said, she considered those routine childhood ailments—until the morning of April 2, when he began wheezing as he lay next to her in bed. Then, she said, Thomas stopped breathing. Paramedics could not revive him.

Owensby gave several accounts of her son's medical care.

Records at Children's Hospital show that the baby was a patient in August 1992. Spokeswoman Barbara Cire said hospital rules prevented her from releasing the details of his stay, but Owensby said her son had a hernia operation at Children's when he was 3 or 4 months old.

Records in the office of Inez Hinds, a Northeast Washington pediatrician, show Thomas was seen there three times before his May 9, 1992, birth and Nov. 15, 1992. Ponsella Poindexter, a medical assistant to Hinds, said that Thomas was seen for routine

illnesses and shots; records show that as of Nov. 10, 1992, he weighed 14 pounds—small, but within the range on standard pediatric growth charts for a baby born two months prematurely. On his last visit, Poindexter said, "we saw progress."

Poindexter said Thomas was not tested for cystic fibrosis because there was no reason at the time to believe he was seriously ill. Hinds gave Owensby an appointment to bring Thomas back in January, Poindexter said, "but then she dropped out of sight" and Hinds' office couldn't find her.

Owensby said she took Thomas to Dennis Wirt, a pediatrician in Southeast Washington, after she quarreled with Thomas' father and moved out of his apartment in December 1992. Wirt said his records show that he had seen her other children in June 1990, nearly two years before Thomas was born; Wirt said he never met Thomas.

Owensby also said that during Thomas' last months, she took him several times to the pediatric emergency room at D.C. General Hospital. But hospital spokesman Rockefeller Twyman said records show Thomas was seen there only once, in October 1992.

Immediately after the baby's death, Owensby said, the baby's father blamed her.

He thought I starved the baby," she said. "But he knows I wouldn't do that. . . . You know how people get mad, they take it out on anybody." The man she identified as Thomas's father did not respond to two letters and several telephone calls.

Although Owensby said she did not notice anything seriously amiss during her son's last months, some of her neighbors did.

Albirtha Leonard, who lives next door to Connie Rice's apartment, said Owensby sometimes came over to borrow milk for Thomas and to use her phone because Owensby didn't have one. Leonard said she overheard Owensby make doctor appointments for her children.

Leonard also recalled holding Thomas about a month before his death and noticing that he was very thin and that he could not hold his head upright.

When she hoisted him onto her shoulder, his head would "go off to the left." When she shifted him to the other side, his head would flop again, Leonard said.

If Thomas had cystic fibrosis, it could have been inherited or the result of a spontaneous genetic mutation, said Jerome Paulson, an associate professor of pediatrics at George Washington University School of Medicine. Its first signs are often lung problems, failure to thrive and foul-smelling diarrhea, specialists said.

Owensby and her mother, in separate interviews, said Thomas showed all of those signs as well as another. When they kissed him, they noticed a bitter, salty taste to his skin, a trait the pediatric specialists say could have stemmed from abnormal body chemistry.

Beyond genetic defects, infections or a parasitic ailment might explain Thomas's problems, Kleinman and Paulson said.

"All these things you have raised confound the accusation that she starved the baby to death," Kleinman said. "It seems much more likely, given the history of diarrhea and vomiting, this was a baby . . . whose needs for nutrition just couldn't be met through the usual kind of efforts. That doesn't absolve her, of course, because most mothers, seeing their babies turn into little stick figures, demand some kind of medical attention."

Paulson agreed. "It must have been clear to somebody that this kid was not doing

well," he said. "Why didn't he get back to a doctor?"

In the end, some of the responsibility for Thomas McNeil's death may rest with his community, said Marilyn Riley, acting director of the District's Child and Family Services Division. "It's important that a community responds when they see a questionable situation," she said. "By the time we are getting a complaint or information, it's already happened. But there are neighbors, other people, other relatives, who may see something is not quite right here. I think the responsibility lies with all of us. And somehow this child went unnoticed."

The disclosure of the full medical examiner's report may answer some of the questions surrounding Thomas's death. But that is not expected for several months, said Joe Conte, Owensby's attorney.

A jury may have to face a far more difficult question: What is a parent's duty to her child—even if he has a serious illness the parent does not see?

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I had the privilege of sitting in the chair during this debate, and all of the sudden, I had a sense of *deja vu*, as I was sitting in the chair presiding over what I thought was a discussion of the motor-voter bill—and I was looking forward to the opportunity to vote on this bill that was debated for 12 legislative days. Every amendment offered by the Republicans was listened to, voted upon, and many were taken by the manager here, the distinguished whip, the Senator from Kentucky, who is trying to build a consensus here—I sat where the Presiding Officer is—so we could move this bill forward, and so we do not have another cloture vote; so we can move this country forward. What this bill is about is expanding the franchise so that more and more American citizens will participate in our democracy.

As I sat there, I became amazed, because here we go again, Madam President: another filibuster. We heard about every issue under the Sun from the Senator from Oklahoma, who had to be reminded that at this time we are supposed to be discussing this bill, at least for the next 3 hours.

So I think what we are facing here today is another delay. The first time you delay, you can say you did it on principle. And the second time, you begin to wonder if this is not some strategy which is being put forward by a minority of this U.S. Senate—by the Republican minority—to stop us from moving ahead.

I have great respect for every Member of this great body, and I respect their opposition to this bill. But, frankly, I do not understand it. It is so simple. It is so important that we become more inclusive.

When we started this Republic, only men of property could vote. As you and I well know, Madam President, you could not be in that seat, and I could not be standing here today. We could

not even vote. And, frankly, some of the men in this body could not even vote, because if they did not have property, they were disenfranchised.

But this country is one that reaches out to its people, and in their wisdom, we saw legislators throughout the years expand the franchise. It was expanded so that men—I should say white men—who did not have property could vote; so we had more diversity. And then we had men of color granted the right to vote. And then, finally, Madam President, a day that we celebrate, certainly, in 1920 women got the right to vote; and the franchise was expanded. And then 18-year-olds had the right to vote, because we said if young Americans can die for their country, they should be able to vote for the leaders of this country.

The bill that the Senator from Kentucky brings us today is really following in a long line of expanding the franchise. Now it will be easier to register. Yes, if somebody goes to a Federal agency, it should be easier. Maybe she does not drive, or maybe it is difficult for them, but they can find a piece of paper, fill it out, and vote.

I am very sad to see people oppose this bill. I respect them for opposing it. But I have to ask, what are they afraid of? Are they afraid of the people?

Maybe they are happy, because there is a 40-percent turnout in their State, or a 50-percent turnout. I will be happy, Madam President, when there is a 90-percent turnout and when everyone who is able to register is registered.

Maybe it will hurt me. Maybe those people will not vote for me. But I am not afraid of the people. I am not afraid of the people. I want them to make a judgment on who I am.

But perhaps there are some people around here on the other side of the aisle who are afraid. They like it the way it is.

The highest turnout areas are those populated by the wealthiest among us. Let us face it. And the wealthiest among us, those who earn over \$150,000, \$200,000 a year, for the most part vote Republican. Are they afraid to expand the franchise to others? I ask that question. But regardless of how they answer it, this bill ought to be considered. There have been 12 days of debate and a conference. The House came together with the Senate. Let us move this process forward. Instead, I hear my Republican colleagues: We should be talking about children. We should be talking about family. We should be talking about the environment and jobs. Of course we should.

I would hasten to remind them that it is because of them that we were not able to vote to improve the lives of families. We were not able to vote to improve the lives of the people in this country, the workers in this country. They did not let us vote on a jobs bill,

Madam President. If the minority of this U.S. Senate wants to vote against this report, God bless them. If they want to vote against this bill, God bless them. I respect them. I respect their opinion. But let us move the business of this Nation forward.

So, in summary, I was not going to participate in this debate. But as I sat there I had this sense of unease, Madam President, that again we are going to see a delay, a delay on a bill that was fairly presented, that was open to amendment, and a bill that will expand the franchise, the voting rights of the greatest democracy on Earth.

I yield back the floor.

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

Mr. FORD. Madam President, I thank the distinguished Senator from California for her eloquence and support, and agree with her comments.

Madam President, the Senator from Missouri [Mr. BOND], who spoke earlier, quoted Abraham Lincoln. Now Abraham Lincoln was born in my State. Kentucky is the home of Abraham Lincoln. We cherish his Presidency and what he was able to do for this country.

I would like to quote Abraham Lincoln, too, if I may. I believe Abraham Lincoln said in 1862:

The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew.

I think that is where we are today. The distinguished Senator from California talked about the progression of those who had an opportunity to vote, and it happened here. Basically, it started at the grassroots. That is where this bill comes from, the grassroots. It has arrived at this level that is so important.

We understand what is going on here. We have worked 12 days. I have sat here, and in conference, I might add, in addition to that. We worked hard to put the bill together. Now here it is back on the floor, passed by the House and we find that we are being unable to bring it to a vote.

The Senator from Missouri [Mr. BOND] also said that we should not put pressure on the States from this advantage point. Let me just ask a question: What if everyone eligible in the State of Missouri went to the office and registered to vote? What would they do? What would happen to them? They would probably come to the Federal Government and ask for money. That is what would happen. So, if we allow the States to carry through—27 of them now, I believe, have something similar to this piece of legislation, not much change.

The distinguished occupant of the chair, her Secretary of State was eloquent; I do not know whether he is

Democrat or Republican but, boy, when he came before the Rules Committee he knew what he was talking about. He had the answers. He understood, and it was a strong advocate of the motor-voter procedure.

Now, we hear a lot about mandating, proposing, and spending money. My distinguished colleague from Oklahoma, a few moments ago, Senator NICKLES, talked about voting against this, and voting against that, and how much it is going to cost, and so forth. It was not hard for him to vote against the reduction of the funding for the superconducting super collider. He voted to spend all that money. And I have the dates here that he voted on that. And we had Senator BUMPERS from Arkansas had an amendment that prohibits obligation of funds for the superconducting super collider after June 1, 1993, unless the President certified to Congress that commitments from contributions from international sources meet or exceed, we were told, about \$650 million, but the Senator from Oklahoma voted against that motion.

How many billions did he vote for? And then we look at the Bumpers amendment which reduces the committee reported funding of \$2.1 billion for the space station by \$1.6 billion. It did not wipe it out but reduced it by \$1.6 billion. But the Senator from Oklahoma voted for keeping the billions in. Keep the billions in. And it just goes on and on. Madam President, about SDI, just to reduce it a few million dollars he voted against that. So we go on and on.

It is just what you want and what you call pork. To some people pork is their pork and our beef. But when it comes to the superconducting super collider and spending billions, oh, he is standing out here fighting for it. When we want to give the individual the right to vote and to assist, he is opposed to it.

To vote on a space station, spend billions of dollars, that is all right. But if you want to give an individual the right to vote, he is against that because it would cost a few bucks maybe. That just does not make sense. I do not understand it. Maybe I am not supposed to.

But I say to my friend from Missouri, he was a Governor; I was a Governor.

I probably had the most unique experience in voter registration of any Governor when we wiped the slate clean. Every registered voter was taken off the rolls. They said, "You are crazy. We have more voters in X County than we have people." Well, we need to wipe that off the rolls.

We reregistered anybody that wanted to register. And you know, instead of having fewer, we had more, because we expanded the opportunity for people to vote. We encouraged the county clerks to register people. In fact, we paid

them so much per registered voter in order to offset their expenses. The State did it.

Let me ask you: Why are the States so worried? What if every eligible voter in my State went to the courthouse and registered? What would happen?

Well, they would have to have ballots printed, more of them. That is one thing. They would have to print labels, maybe, for the ballot. They will have to mail out more absentee ballots. They would have to provide a few more polling places. But we would not hear anything about that.

They say, 60 percent of the registered voters, fine; or 60 percent of the eligible voters, fine. What about the other 40 percent?

This bill does not mandate people to vote. It does not even guarantee that we will have a higher turnout. But it does guarantee that at least every eligible voter in this country has an opportunity to register to vote.

There are no mandates here that they have to go to the polls. I think an individual has just as much right not to vote as they do to vote. That is their right. So when they say this bill is not going to increase the voter turnout, I agree with that. It is not a mandate for turnout.

But it is like I have said many times: You watch baseball. Everybody is watching baseball now. I like to listen to the Orioles play. I thought they were going to win the other night. They were behind 4 to 1, and they scored a couple other runs. It wound up 4 to 3.

They had a good pitching game the other night. The pitcher did a terrific job. They won about 8 to 1, or something like that.

I like it, but I am not interested too much. I do not go up to the ball games. Maybe I will get them on TV. I look at the paper every morning to see how the teams turned out.

But as we get closer to the division championships, it whets my appetite; I begin to watch it a little bit closer. Then, when they have the division championships and my team is in it, I watch; I have an interest. And then if my team goes to the World Series, boy, I want to go. I want to go watch my team play in the World Series, but I do not have a ticket and I cannot get it, so I cannot watch it.

Now, why did I say that? We have a good political campaign. We talk about the issues. As the distinguished Senator from Missouri said, we have good candidates talking about real problems. The people became interested. They want to go vote.

But, lo and behold, they forgot to register; or it was too much trouble to go from the workplace; too late to get there. I work and you work and everybody else works about the time the courthouse is open. We go to work when they open and we come home

when they close, so we do not have a chance to go.

So with good candidates talking about real problems, as the Senator from Missouri said, it whets our appetite and we become encouraged to go to the polls and vote for a candidate. And they find that they are not registered to vote.

I was surprised at my friend from Missouri saying that he was even opposed to registering by driver's license. The leader of the Republican political senatorial campaign said he had no objections to registering by driver's license. But, yet, here comes a former Governor—and I am surprised a former Governor would be against registering to vote in some easier fashion.

I dealt with my county clerks. I worked with my county clerks. They needed help to improve. We have all computers now in our State. It is going very well.

But we say: How many people got excited about the last election? And we had the largest turnout we have had in many, many years. How many wanted to vote and could not? Would it have changed the election? I do not know. But you have to take your chances.

We are talking about checking lobbyists. We did that here yesterday. We are talking about helping people to register to vote, reconnecting the American people to Government. Then we are talking about campaign finance reform.

What more, in my opinion, could we do in order to help the American people be more of a part of their Government?

Some say, "Well, we are going to register too many Democrats. They are poor and all Republicans are rich." That is the reason they worry about not going to the tax office and having mandated forms there.

Well, I suspect most people that go to the tax office have a car and they have a driver's license and they are registered to vote; that is, 90 percent of all those eligible in this country have a driver's license.

So the disadvantaged, instead of playing on their fear, we ought to play on their hopes and their dreams and their desire to be a part of this Government.

The argument against incurring costs for an expanded voter registration role is distressful to me—distressful. The funds that have been expended to register those citizens on the rolls is OK, it is all right, but, to opponents of the bill, it seems it is wrong to expend funds to bring new citizens into the election process; again, expending funds to bring new voters into the system. What a commentary on democracy. What a commentary on democracy.

So I hope that, in the words of my friend from California, Senator BOXER, we respect those that are opposed to this legislation, but I hope that a small

group would not prevent us from getting on with the legislation here on the floor.

I have worked awfully hard on this piece of legislation over the years, as everyone knows. I have used a little Henry Clay. Most people know that Henry Clay was recognized as the great compromiser. Henry Clay said compromise was a negotiated hurt.

And I hurt a little when I negotiated some of these, because I had a very, very strong feeling that we ought to do everything we could to reconnect the American citizen to its Government.

As a result of this bill, maybe many in this Chamber will be gone, be defeated. That is a chance we have to take. The more people that vote, the greater democracy we have, because we are listening to the people.

I believe it was Hamilton who said, referring to the House—but it also applies to the Senate: "Here, sir, the people govern; here they act by their immediate representatives." That is what I am. I am supposed to be listening to the people. And this bill is not something that was dreamed up here in this Chamber, not something that was dreamed up here in Washington. It is a grassroots effort.

We hear that this elected official is against it, this elected official is against it, this group of elected officials is against it—but the associations of people are for it. From church groups, to the disabled, to the blind, labor, NAACP—these people, these groups of people are for this legislation—the League of Women Voters. They are very strong leaders bringing it up from the grassroots. They are nonpartisan.

Even the distinguished Senator from Texas said awhile ago, it was negligible whether this would benefit either party or not, the whole bill. So why are we making it partisan? Why can we not just go on and vote?

I just believe, if you listen to what is said, there is some fear underlying the refusal to let us go ahead and vote. There is some fear. And I do not know what there is to fear in the American people. What is there to fear in the American people? They speak, and should speak loudly. We should give them every opportunity to say, whoever sits in that chair or that chair, I had an opportunity to vote for or against him or her. So that is the opportunity we are trying to give here today. And I hope we can get about our business here and stop delay.

We are delaying everything. This is 12 days on this particular bill, days of labor in the conference committee. Basically all of the core amendments offered by the other side are in this bill. It is not identical, but worked out in a struggle with the House. I think everybody who was associated with the conference and discussed it with me under-

stands I fulfilled my obligation to the best of my ability. Maybe I was not good enough, but I did everything I could to accommodate my friends on the other side. And the admission by the Republican leader this morning, I thought, was reassuring; that the bill is better because it has these things in it. But he still did not like it.

I do not believe we could do anything to have it be embraced. But I was encouraged that 90 percent of the bill was approved by the chairman of the Republican Senatorial Campaign Committee on this floor today; 90 percent of what this bill does was approved. So the 10 percent, that is the fear. That is the fear that they are trying to spread:

Those people on welfare—be concerned about them, be fearful of them. Be fearful of those who are disadvantaged. Be fearful of those who are disabled, that we give an opportunity to be registered to vote.

I am sure all of those who are on welfare do not want to be there. They want to be better off. And some of them will be one of these days, if we do what is right.

I hope and pray every day that I do what is right in this Chamber, and in committee, and in the positions I take. I made a statement one time to a bunch of press people who wrote a kind editorial about me. You do not get many of those, you know.

Somebody said, "How in the world did they write a nice editorial about you?"

I said, "Well, I kept doing what is right, and on one point we agreed." So they wrote a nice editorial.

I hope we can get on with this. We worry so much about fraud and abuse, but in those States that have this, there is no acceleration. In fact there is some reduction. The distinguished Senator from Oregon [Mr. HATFIELD] has said that in fact it is better now that they have something similar to this in the State of Oregon. He will attest to that. So there is really no documentation that there will be any fraud or abuse.

I hope sincerely that we will have the opportunity to go ahead, be allowed to vote on this without going through a cloture vote again, having it delayed for 2 or 3 more days, and things of that nature. It is important we pass this bill, in my opinion. It is important we give it the President and let him sign it. It is important we get on to other things that will give us an opportunity to say to the American people, we want to give you a chance to approve or disapprove of what we are doing; give more people an opportunity to approve or disapprove of what we are doing.

I yield the floor, Madam President.

DELETION OF DOCUMENT VERIFICATION AMENDMENT FROM MOTOR-VOTER CONFERENCE REPORT

Mr. SIMPSON. Mr. President, the conference report before the Senate today does not contain a provision

which I believe is so very important—a provision which makes it clear that States can require documents to prove citizenship of a person applying for voter registration.

The provision did not mandate that States check documents. It merely clarified that this bill was not to be interpreted to prohibit a State from requiring documents demonstrating U.S. citizenship. This would include those States which currently—under State law—check documents and those States which may wish to check documents in the future.

My colleague from Kentucky did not object to my amendment because he believed that:

Nothing in this bill * * * would preclude the States from requiring presentation of documentary evidence of citizenship.

That may be true, but I am not convinced that my amendment is not needed. I offered this amendment to ensure that the States do not lose their ability to require proof of citizenship for voting.

I believe that my colleagues would agree that the States should be permitted to ask for citizenship verification, especially since all 50 States require that all who register to vote must be citizens.

Yet the conference committee chose to remove my amendment from the final bill.

The American people agree that only citizens should be allowed to vote. My office received numerous phone calls in support of my amendment.

Because of this country's generous legal immigration policies and the millions of illegal aliens present, there are many noncitizens residing in the United States. According to the Census Bureau, 15 percent of California's population are noncitizens. According to the 1991 statistical yearbook, the most current assessment by the INS of the foreign-born population in the United States, California has about 50 percent of the Nation's immigrants, and about one-third of its refugees and asylees. Unfortunately, California also has large numbers of illegal aliens.

California does not yet require citizenship verification for voting or registering to vote, but it may some day decide that it must do so to protect the integrity of its elections. My amendment will ensure that California can do so.

Some assert that my amendment would undermine the mail-in registration provisions of the bill. My amendment does not require any State to do anything. States can legislate that only voter registration applications made in person require documentation, or all first-time voters in the State must register in person and show documentation. The State does not even have to address citizenship documentation for mail-in registrations. A State can also ask for a photocopy of a docu-

ment proving citizenship with mail-in applications.

While I would not encourage photocopies of documents—since this might encourage the reproduction of fraudulent documents—my amendment does not restrict nor instruct States as to how, when, why, or whether to require citizenship documentation. It merely says that they may if they wish.

It is interesting that so many of the groups find my amendment objectionable—most odd, since it does not mandate anything.

Some argue that States could ask for identification only from foreign looking or sounding people. It's certainly possible that States do that now—without my amendment—but my amendment does not in any way promote such behavior.

I have been in the middle of this identification issue before. The employer sanctions provisions of the 1986 Immigration Reform and Control Act requires that employers check documents from workers in order to ensure that the workers are authorized to work. All employees, not just those who look or sound foreign, must provide documentation. All employees must provide documents to avoid discrimination against those who may seem foreign.

We even established a new office in the Department of Justice to handle discrimination complaints.

But my amendment did not give the States any more authority than they already had, and it certainly does not encourage States to check documents only of those looking or sounding foreign.

I am disappointed that the conference committee eliminated this amendment which would have ensured that the States be allowed to maintain the integrity of their elections by requiring evidence of citizenship to vote if they so desired.

Mr. HATFIELD. Section 7 of this legislation instructs the States to designate agencies to register voters in Federal Elections. States are required to provide registration opportunities at all agencies which provide public assistance and at those agencies within a State which provides State-funded programs primarily engaged in providing services to persons with disabilities. These provisions are designed to reach out to those citizens who are not likely to benefit from motor-voter registration programs—the poor and persons with disabilities who may not have driver's licenses and may not come into contact with the other principal places to register under this act.

Mr. FORD. As my friend from Oregon has stated, the intent of the Congress is to extend registration opportunities to persons with disabilities through agencies which provide services such as, but not limited to, transportation, job training, education, counseling, re-

habilitation or independent living services. Agencies which only incidentally provide services to people with disabilities are not mandated under this law to provide registration materials, although they certainly could if they desired. The Federal Government is directed to work with the States to identify the appropriate agencies to provide registration opportunities.

Mr. HATFIELD. I further understand that registration materials should be distributed by these agencies with each application for service or assistance, and with each recertification, renewal, or change of address form relating to the individual's contact with the agency. Does this direction indicate that voter registration forms will be provided at the entry point for services offered by an agency, or at a point where an individual changes their status for services, rather than at all agencies with which the person has contact?

Mr. FORD. Yes. Once a person applies for service at an entry point and has been offered an opportunity to register to vote, if that person is subsequently referred to another agency, that agency does not have to repeat the offer to register. However, if a person receiving services has a change in status such as recertification, renewal, or change of address, the agency providing services would offer the opportunity to register. For example, if a person were to apply for vocational rehabilitation, the opportunity to register to vote would occur when the person applies initially, or moves, rather than each time the individual meets with a vocational rehabilitation counselor.

Mr. HATFIELD. I thank my colleague for his clarification of these key elements of the National Voter Registration Act.

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

Mr. ROTH. Madam President, I ask unanimous consent I be permitted to give two statements as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, I say to the Senator I do not know if there is anybody else, but we have this bill until 1 o'clock. The Pastore rule may apply here. How long will the Senator want?

Mr. ROTH. It will take about 15 minutes, 20 minutes at most.

Mr. FORD. Really, the Senator does not have to get morning business.

Mr. ROTH. I thank my distinguished friend from Kentucky.

WHO WILL PAY?

Mr. ROTH. Madam President, we in the Congress are about to begin the great debate on the President's economic package. One of the most critical questions to be faced is who will be

paying the proposed taxes contained in this program? It is my concern that we do not yet have the kind of information that will make it clear as to who is impacted, who will be hit by the proposed tax increase of the Clinton administration. This is obviously a very serious matter, as the tax increase is the largest proposed in the history of this country.

As I said, the Clinton administration, even though we are about to begin the debate, has yet to clarify itself on how it measures the income of American families. Candidate Clinton promised to cut taxes on the middle class. It was a promise, and I believe it was a large reason why he won the election. Now, his administration is doing its best to distort what middle class is. They are presenting the President's tax plan in terms of something called family economic income, rather than the old, reliable and understandable adjusted gross income. The difference between these two measurements makes a world of difference when it comes to understanding who will be shouldering President Clinton's tax burden.

The family economic income measurement places Americans in higher income groups than does the measurement using adjusted gross income. This is important to understand as we consider just what President Clinton has done with his record-setting tax package. When he began to push it, he claimed it would hit only those Americans making over \$200,000. Later, he adjusted that figure down to \$100,000. Now, according to the President, it's all the way down to Americans making \$30,000. Quite a drop. But unfortunately, the real story is even worse.

This \$30,000 is not based on the traditional adjusted gross income; rather the President's administration is basing it on a measurement called the family economic income, which considers millions of Americans with income levels between \$10,000 and \$25,000 well within the \$30,000 range. It pushes these Americans' income status upward because, among other things, the family economic income includes the imputed rental value of homes and the value of employer-provided fringe benefits. Ask any American if he or she thinks of these items as income. He or she will tell you no.

Ask them if they think their income status should be increased by applying these to their economic position. Again, they'll tell you no. Evidently, President Clinton and his Treasury Department think otherwise, and they're using this measurement to throw their blanket of tax increases over Americans earning well below \$30,000.

What concerns me is that the administration has yet to even adequately address this concern. Back in February—February 24 to be exact—I sent a letter asking the Treasury to produce the Clinton administration's tax pack-

age using the more easily understood adjusted gross income measurement. I asked them to run their tax package using the measurement Americans understand, so the taxpayers can see how this record-setting increase is really going to hit them. The administration refused. Two months later—on April 22—Senators DOLE and PACKWOOD requested the same. Still, there has been no response.

In an April hearing, even the chairman of the Finance Committee—from the administration's own party—requested the information in a way that was more easily understood by the American people. So far, the administration has failed to provide this important information to the public.

We cannot have a legitimate and productive debate on economics without sunshine. We need openness from the administration. It's more important now than ever, when the strength and leadership of nations are determined by the size of their economies rather than by the force of their arms. The future depends on strong, well-versed, public debate. And that debate must be open and conducted in a way that is understandable. Americans understand adjusted gross income.

They determined their adjusted gross income just 3 weeks ago when they filled out their 1040's. On the other hand the family economic income is an economist's term that is understood by few. It would serve this debate—as well as the American people—to provide both measures.

We must move the administration to provide accurate and understandable information concerning who the Clinton tax package will really hit. From \$200,000 to \$100,000, to \$30,000, the number of Americans who will shoulder this record-setting increase is exploding—well into the middle class that the President promised—and I repeat, promised—to protect. Now, as the administration insists on inflating the \$30,000 threshold, their taxes will hit Americans earning much, much less. We cannot afford this.

We must get back to what really needs to be done. Let us replace rhetoric with the facts. And with those facts, let us get beyond partisan power broking to do what needs to be done to secure the kind of future or families deserve. Let us get Government off the back of the American taxpayer and put that money to work creating jobs where it best serves—in the private sector.

Madam President, in today's Washington Times, there is an editorial on this exact point entitled "Secretary Bentsen's Coverup." In this editorial, it reads that:

The House Ways and Means Committee has begun work on President Clinton's proposed budget, a document that would levy sharply higher taxes on income, energy, Social Security benefits and more. Exactly which tax-

payers would pay the price is hard to say, however, because Ways and Means has started work without getting that information from the Treasury Department.

The Clinton administration says it has provided all the information anyone needs to vote on the plan. Remember the President's claim that people making more than \$100,000 would pick up the bulk of the new taxes and that no one making less than \$30,000 would be affected? Well, it turned out those figures were based on something called Family Economic Income, which takes into account things like the imputed rental value of somebody's home but not whether you actually collected any rent and the value of fringe benefits but not whether they provided you with additional income to pay higher taxes.

The problem here is not that you would be taxed on imaginary income. It's that most people have no idea what family economic income is or whether it pushes them over the magic \$30,000 mark. Using FEI, when most people think in terms of adjusted gross income, is confusing at best, deceptive at worst.

Madam President, I ask unanimous consent that the complete editorial be printed in the RECORD.

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

SECRETARY BENTSEN'S COVERUP

The House Ways and Means Committee has begun work on President Clinton's proposed budget, a document that would levy sharply higher taxes on income, energy, Social Security benefits and more. Exactly which taxpayers would pay the price is hard to say, however, because Ways and Means has started work without getting that information from the Treasury Department.

The Clinton administration says it has provided all the information anyone needs to vote on the plan. Remember the president's claim that people making more than \$100,000 would pick up the bulk of the new taxes and that no one making less than \$30,000 would be affected? Well, it turned out those figures were based on something called Family Economic Income, which takes into account things like the imputed rental value of somebody's home but not whether you actually collect any rent, and the value of fringe benefits but not whether they provided you with additional income to pay higher taxes.

The problem here is not that you would be taxed on imaginary income. It's that most people have no idea what Family Economic Income is or whether it pushes them over the magic \$30,000 mark. Using FEI when most people think in terms of adjusted gross income is confusing at best, deceptive at worst.

So earlier this year, Republican members of the Joint Economic Committee led by Sen. William Roth and Rep. Dick Armey sought clarification of the matter in a letter to Treasury Secretary Lloyd Bentsen. Family Economic Income, they wrote, is an unknown concept to most taxpayers. Please lay out the impact of the administration's proposals in terms of AGI, they asked, and set the lowest AGI figure at which taxpayers would see net tax increases.

The request seemed reasonable enough. But back came a letter from Mr. Bentsen saying that FEI had been used by previous Republican administrations without any controversy. The Treasury Department, he said, "believes that preparing analyses of tax proposals based on alternative concepts of

income, such as AGI, would only confuse, rather than clarify, the issues relating to the president's economic proposals."

Mr. Bentsen is more than a little disingenuous here. FEI was irrelevant in the Reagan years because the president was trying to cut taxes, not raise them. Thus there was no need to hide the impact of higher taxes. If Mr. Bush used FEI, his fate at the polls last November was not exactly an endorsement of the practice. At any rate, Mr. Clinton came to office preaching "change," not "more of the same." The reference to AGI as an "alternative" system, the one that hundreds of millions of Americans use to pay their income taxes, is a reminder of the Treasury Department's rather tenuous grasp of reality.

Last month, Senate Finance Committee Chairman Daniel Patrick Moynihan joined Republicans in asking Mr. Bentsen to provide information on tax impact in terms of AGI. So this newspaper called over to the Treasury Department to find out whether Mr. Bentsen had provided the information. "I don't think he asked for the figures," Treasury spokesman Chris Peacock said by phone. "I think he just said they would be helpful. Correct me if I'm wrong."

OK. A transcript indicates Mr. Moynihan said, "I think we should see that," meaning the AGI estimate. So would Treasury release the figures? "We will work with Sen. Moynihan," said Mr. Peacock. Does working with Mr. Moynihan mean giving him the information he wanted? "I can only refer you to my last answer: We wouldn't release information to you that he asked for anyway. No offense."

None taken. One hopes the agency would be willing to work with other elected representatives as well, especially those on the House Ways and Means Committee now taking up the tax bill. It may be that adjusting the tax impact of the Clinton plan for AGI won't change the administration's estimates. If that's the case, Mr. Bentsen should have no problem with releasing the figures. If, as seems more likely, the adjustment reveals that people making well under \$30,000 face higher taxes, then the voters and their representatives should know about it. Either way, it's time to end the coverup.

U.S. SMALL BUSINESS WEEK

Mr. ROTH. Madam President, by Presidential proclamation, May 9 to 15 is U.S. Small Business Week, a time when we pay special recognition to the fastest growing and most dynamic sector of our economy. The sheer size and economic potential of this important group of men, women, and even youth is startling.

They are 21 million strong, these entrepreneurs, and they generate about 40 percent of our gross national product. They come from just about every segment of our society, men and women, representing every culture, every religion, every State, city, and hamlet. They lead the Nation in job creation, contributing almost two-thirds of all new jobs from 1976 to 1990, and all new jobs from 1988 to 1990. Small business is our Nation's leading employer, providing paychecks for 6 out of every 10 Americans.

As Thomas Rumpfelt, chairman of the National Business Owners Association

has recently pointed out, small business is unique in our society in that it is above political ideology.

It is not concerned with partisan solutions to its problems—

Just that solutions are found—

What unites entrepreneurs is a commonality of interests and shared challenges. A T-shirt maker in Carmel, CA, has the same concerns as a small retail merchant in Elwood, IN. Both want regulations and paperwork cut, taxes lowered, and the deficit and spending slashed.

They need capital to expand their businesses and access to affordable health care for themselves and their employees. They deserve policies that promote economic growth—policies that reward—not punish—risk-taking and hard work.

Madam President, next week I—along with several of my colleagues—will unveil an economic growth package that answers many of these concerns. It is a nine-point alternative economic program that provides incentives for private job creation as well as savings and investment. And what's more it will be completely paid for without even one tax increase, unlike that proposed by President Clinton. Frankly, there is no better time than Small Business Week to keep in mind that two-thirds of President Clinton's record-setting tax increase will fall directly on the backs of our small business men and women.

We can only assume what kind of dangerous repercussion that kind of tax liability will cause. Needless to say, we cannot afford it.

Americans need an alternative package that is not accompanied by antigrowth and antijobs tax increases. Our small businesses need an alternative. They need real reform, not more of the same. And that real reform is what we will propose next week.

We all know where tax-and-spend economics have led this Nation. Our small business men and women are still trying to recover from the 1990 record-setting tax increases that were supposed to take care of all of our problems—cut the deficit and bring America back. Now they are confronted by President Clinton's plan to even break that tax increase record. Well, it's not going to work. There is a revolution in the land. You see it in the polls, you feel it in the economic indicators, you hear it in the streets. Not only are people demanding real change, they deserve it—especially our small business community.

As has been said, if history has proven the validity of any economic principle, it is this:

Small business can survive without big government; big government cannot survive without small business.

With this in mind, I conclude by asking one simple question: When we consider what real economic stimulation is needed for our economy, where should the money and incentives go? Into an overbearing, bureaucratic gov-

ernment, or into the hands of those Americans who save, risk, and invest, thus creating jobs, growth, and opportunity?

Next week we intend to show you how. Stay tuned.

Mr. MURKOWSKI addressed the Chair.

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

Mr. MURKOWSKI. I thank the Chair. Madam President, I ask unanimous consent that I may be allowed to speak as if in morning business at this time.

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

Mr. MURKOWSKI. I thank the Chair. I thank the floor managers.

(Mr. BINGAMAN assumed the chair.)

SANITATION CONDITIONS IN ALASKA

Mr. MURKOWSKI. Mr. President, I rise today to inform and share with my colleagues a serious problem confronting Natives in my State of Alaska. We have an epidemic that is underway in Alaska, Mr. President. We have an emergency. People in my State today are dying because water and sanitation conditions are simply unacceptable. We have had three Native members of various villages and one non-Native pass away of late. As a consequence, we have to take action, and we have to take action now.

Two days ago on Wednesday, May 5, the Committee on Indian Affairs held an oversight hearing to receive testimony on rural Alaska water and sanitation problems. Senator INOUE was most gracious in agreeing to schedule the hearing and had a number of Alaskans down, a number of Native Alaskans, nurse practitioners, and so forth, and as a consequence we received some information that simply mandates action be initiated. We had 4½ hours of testimony. We had Federal agencies, State agencies, rural village health aides, doctors, and village representatives, and they described the horrors which are in existence in Alaska today.

The testimony, Mr. President, was very alarming. We have approximately 220 Native villages, primarily Eskimo and Athabasca, of which 190 of those 220 have been assessed by the Federal and State government as posing a health risk to the residents as a consequence of inadequate water and sewage disposal; 135 villages are dependent on honey buckets and privies as the sole means of sewage collection and disposal. It is worse than some of the Third World nations with which we are familiar.

For the record, for some of you who do not know what a honey bucket is, it is basically a 5-gallon bucket placed in one's home and used as a toilet. When the bucket is full, it is carried outside and dumped into an open sewage pit. One might wonder why do that.

We have the uniqueness in Alaska of permafrost. The ground is permanently frozen. The ability to put in sewage systems such as we know with underground piping or water delivery and sewage disposal simply is not applicable in those areas where permafrost prevails the year around, because once you put a system in, it is subject to the heaving associated with the frost coming out of the ground in the spring and the frost penetrating again in the winter, which causes a heaving and a breaking up of the systems.

We have one village outside of Fort Yukon where the Federal Government put in a \$30 million sewer system 9 years ago. The first year it was frozen, and 8 years later it is still frozen and broken. It has never been applicable or adaptable to an energy technology that was workable, because in order to make it work, you almost have to have a continuous flowing sewer and water system so that it will not freeze during the severe temperatures. But that is not adequate enough. You also must have, in effect, an underground tunnel to ensure that the pressures of the Earth and the freezing and the frost do not simply break up the system.

Now, Mr. President, I would like to show you in a chart here the realities associated with water service levels in rural Alaska. The chart shows that 49 percent of rural Alaskan areas are served by simply the honey bucket, 5-gallon bucket that is in a corner of the home and then is removed and hauled down the boardwalk and disposed of at some facility that is provided by the community. Thirty-seven percent have flush toilets as we know them, and 14 percent have a haul system.

A haul system, Mr. President, is a system where a tracked vehicle comes around, delivers water, the water is taken in the home and utilized, and then there is a system similar to that that removes the sewage that is stored in some kind of a receptacle in the home.

Now, in over half of the villages, water is hauled to the home by hand from a community well or a washeteria. Some people say, well, what is a washeteria? We in Alaska know that a washeteria is. It is one central location in the village near the well where the water is piped into a building. There are usually two or three showers. That is all for a whole village. The fee may be \$2 or \$3 for a shower. And there are washing machines and driers there as well.

That is the situation which exists in rural Alaska today. Existing water service levels: Only 40 percent have piped water to their residents, 20 percent use year-round watering points, 7 percent have individual wells, and 3 percent have no system.

Let me share with you, Mr. President, some of the pictures of some of the traditional villages in Alaska

today. You can see the village homes, the children, the boardwalk, children poking sticks in the areas where, indiscriminately, honey buckets are spilled or have been dumped. We have raw sewage on the side of the boardwalk, and it is a deplorable situation.

Here we have two of the public receptacles where the honey buckets are simply dumped. Many times plastic bags are used. And the stench in the spring is unimaginable.

Another picture shows alongside a river slough the dumping of the sewage from the honey bucket that has been contained in plastic bags. And obviously that kind of disposal leads to hepatitis A, which is the current crisis.

Here we have frozen blocks of sewage which must be hammered out of the receptacle in the village of Quinhajak. And the consequences of this kind of pollution when summer occurs, I think, speaks for itself relative to the exposure that we have for the tremendous advancement of hepatitis A.

The result of not having an adequate water system and sanitation facilities are tragic.

On Saturday, May 1, the front page of the Anchorage Daily News read "Deadly Hepatitis Wave Spurs Action."

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

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

[From the Anchorage Daily News, May 1, 1993]

DEADLY HEPATITIS WAVE SPURS ACTION
(By David Hulén)

Another villager has died in northwest Alaska from hepatitis A, and the disease has spread so fast in the region that public-health agencies next week will begin giving out a new, not-yet-on-the-market vaccine in an effort to contain it.

Robert Moto, a 29-year-old Deering resident who died at the Alaska Native Medical Center in Anchorage last Sunday, was at least the third Alaska Native to die after contracting hepatitis A since February, health authorities said.

The others included a 14-year-old boy from Shungnak, also in northwest Alaska, and a 57-year-old woman from Tauacross, in the eastern interior.

The virus, which generally spreads in Alaska through food or water contaminated with fecal matter, regularly sweeps in waves through the state. Hepatitis A rates in Alaska are among the highest in the nation, and some health officials believe a major reason is the lack of running water and flush toilets in more than 100 villages across the state.

Hepatitis A is rarely fatal, with one study estimating an average of one death for each 1,000 cases. But the three deaths this year, and a number of other village residents being hospitalized in recent weeks, has puzzled health agencies.

"This is real unusual," said Dr. Brian McMahon, a hepatitis specialist with the U.S. Public Health Service in Anchorage. "We don't know exactly what's going on."

So many cases have been reported in recent months—more than 300 in all, with many more suspected—that state and federal health agencies received approval from the

U.S. Food and Drug Administration to begin administering a first-of-its-kind hepatitis A vaccine in the villages. They started giving shots in the interior several weeks ago, and a team will go to Kotzebue-area villages where hepatitis A is just now showing up.

The drug has been available in Europe since last year, but it isn't expected to be approved for general use in America for at least another year. It has been tested extensively in the United States, is considered up to 98 percent effective, and there doesn't appear to be side effects, doctors said.

There are now two separate epidemics of hepatitis A in Alaska—one in the Tok-Tanacross-Glennallen area, which began spreading last summer and now has begun to wind down, and the other in northwest Alaska, which began late last year and is still spreading to new villages in the region.

There have been about 240 cases reported in northwest Alaska, with another 100 or so reported in the eastern interior, health agencies said. But because carriers often go undetected or show only minor symptoms that are confused with the flu or other ailments, the true number of recent cases is thought to be much higher.

"Those numbers are way low," said Dr. Michael Beller, an epidemiologist with the Alaska Division of Public Health. "It would be safe to multiply them by three or four."

Hepatitis A spreads in cycles because once a person is exposed to the virus, he or she is immune for life. Alaska's last big hepatitis A epidemic occurred in the late 1980s, with more than 1,500 cases diagnosed all over the state. It hit especially hard in the Yukon-Kuskokwim Delta, but cases were also reported in Anchorage and other urban areas.

The 1980s outbreak largely spared northwest Alaska and the eastern interior, doctors said—leaving many residents of both regions, especially young people, vulnerable to the current wave. Health officials have expected outbreaks, especially around Kotzebue, for several years.

Doctors are waiting for tests to show the two outbreaks occurring now are connected. The one in the Tok-area appears to have begun last year with a child who brought the virus to Alaska from California, while the northwest outbreak has been traced to Fairbanks.

Authorities are relatively sure how the disease is spreading, doctors said—at least some of the people contaminated with the virus, especially children, don't wash their hands after using the toilet. They in turn, pass germs onto others, usually by touching food or water. The virus also is commonly spread by people changing diapers and not washing their hands.

The current outbreak has affected villages with and without running water.

The disease inflames the liver, and symptoms include nausea, fever, fatigue, tenderness of right side of the abdomen, and in more serious cases, yellowness in the eyes and skin, dehydration and liver failure.

In northwest Alaska, the disease has swept through several villages, including Noorvik, Buckland and Selawik, and is just now hitting others, such as Deering and Kiana. In recent months at least 20 people have been hospitalized with serious cases of hepatitis A—"people (who were) very ill but then progressed and got better, people we said if they got a little worse we'd send them down for a liver transplant," McMahon said.

"It's been a very big deal in this region," said Paul Hansen, director of community health services for the Kotzebue-based Manilaq Association, which operate the re-

gional hospital and village clinics. "We've had two deaths and this is a pretty small region. In terms of disruption of everyday life, it's had a very big impact."

Many residents were alarmed after the death of the 14-year-old boy, although the hepatitis appears to have run its course in several villages, several health aides interviewed on Friday said.

"People aren't as scared as they were," said Brenda Hall, a health aide in Noorvik, an Inupiat village of 520 people. "As people got it, they'd tell their friends and they'd see how they got better. . . . But we had a lot of kids miss school, adults missed work two and three weeks. One lady missed work for three months."

This apparently is the first time the vaccine—which is given by shot—has been widely used to try to contain an outbreak in America, doctors said. About 1,500 doses were donated by its manufacturer, the Britain-based SmithKline Beecham, and about half that number were administered in the Tok-Glennallen area. First priority in Northwest will be four villages where the disease is just now showing up, then other communities in the region, McMahon said.

Health agencies are trying to get the company to donate more doses.

VIRAL HEPATITIS TYPES A AND B

Hepatitis is a disease that involves inflammation of the liver.

Symptoms: Weakness, loss of appetite, nausea, vomiting and jaundice, a yellowish discoloration of the skin and tissues.

Types: There are two main forms of viral hepatitis, hepatitis A, or infectious hepatitis; and hepatitis B, or serum hepatitis. They are caused by different viruses. Hepatitis also may result from other viruses or a combination of viruses.

Hepatitis A: The most common form of hepatitis in bush communities is caused by eating contaminated food or drinking contaminated water. Symptoms appear about four weeks later. Most cases of hepatitis A last two to six weeks. The symptoms may be lessened—even prevented—if injections of gamma globulin, a class of antibiotics that helps the body's immune system, are administered within a week of exposure to the virus.

Hepatitis B: This type is spread mainly by the use of improperly sterilized medical instruments hypodermic needles shared by drug abusers and sexual contact with infected persons. Vaccines that protect against hepatitis B became available during the 1980s.

Mr. MURKOWSKI. So we have the hepatitis epidemic underway. We have had Alaskan Eskimos and non-Eskimos die as a consequence of hepatitis A. We have had the fourth death resulting from hepatitis since February of this year. More than 300 cases of hepatitis A have been reported in recent months in rural Alaska villages. Many more unreported cases are known to exist. Hepatitis A is a viral infection causing nausea, vomiting, abdominal pain, and in some cases, a yellowing of the skin and a reddening of the eyes. Deaths from hepatitis A occur at a rate of approximately 1 to 5 deaths per 1,000 cases.

So, Mr. President, we have an emergency situation in my State. As I indicated, people are dying because of Third World water and sanitation facilities in approximately 190 of the 220 villages.

We need to move now to address this problem. It is estimated that the ultimate cost of a system to bring about clean water delivery and sanitation removal in these villages will cost about \$1.2 billion. The State of Alaska proposed a long-term Federal-State matching grant program where the Federal Government annually matches Alaska's allocation up to \$25 million. Our senior Senator, Senator STEVENS, our Representative, DON YOUNG, feel confident that we can make a case for a Federal commitment to match the State's allocation.

We continue to work toward the long-term plan to eliminate the honey buckets in Alaska. But we simply cannot wait 5 years. We must do more in the short term and we must do it now.

I am requesting an emergency action from the Federal agencies that have Federal funds that can be refocused on the emergency situation existing with regard to water and sewer conditions in rural Alaska. We are going to try to get this done immediately, recognizing that we have an epidemic and we have an emergency. We must act now before the current hepatitis epidemic claims another innocent victim.

We are also asking the intervention of our President through communications with President Clinton to direct the agencies of EPA, Indian Health Service, Bureau of Indian Affairs [BIA], and HUD to come together now with a simple short-term relief for this summer so that we can focus in on the priorities. Rather than generate a long-term study period which will take those agencies months, which because of our short construction season of only 90 days, will cause us to lose a whole year, that we focus now to bring together a responsible short-term relief program.

The justification for this speaks for itself. The emergency is here today. We need simple, low-cost applications of a simple premise that is utilized in other areas of the Arctic to deliver clean water and improve sanitation in as many villages as possible.

Our Canadian neighbors adopted a policy sometime ago where no funds from the Canadian Government into the rural areas of Canada and the Canadian Arctic are allowed to go unless there is a system included for delivery of water and removal of sewage.

What we need, Mr. President, is simply an immediate focus on a very, very simple system to alleviate the emergency; that is, to bring in the private sector and the Government agencies to recognize that we have to have a water delivery system—probably a track vehicle with a water tank—that can deliver water to the homes and put in the homes a container of some type, perhaps a tank within the roof structure or adjacent to it—it might have to be insulated—so safe water can be delivered to the home.

In addition, we might have the availability of a simple tankage system. If you have been on the new airplanes lately, you know the sewage disposal is a combination of very little water and an air capability to move the solids out very, very rapidly. That technology is available in individual units. It can be disposed of in a holding tank, adjacent to the homes.

These may require insulation as well. That does not sound like much, Mr. President, when one relates it to the conveniences that we are accustomed to. But that alone, with delivery of fresh water, would address adequately the epidemic conditions that are in existence today by removing the exposure for the honey buckets, and the spillage that occurs, and the consequence of that coming into contact with the residents of the area and, more particularly, the children.

So we are asking for immediate relief, focusing in on a practical solution utilizing a very simple technology that we have seen the Canadian Government adopt, because human lives are at stake.

Mr. President, when we consider the cost of the consequences of the health of these Alaskans and Americans, this is very little cost in relationship to the anguish associated with hepatitis A.

So, Mr. President, I urge my colleagues to assist Senator STEVENS, Representative YOUNG, and me in this effort. I urge that those of you who have a familiarity with rural sanitation problems offer your advice and counsel. We think that with the momentum to address with practical solutions the immediate exposure associated with this epidemic of hepatitis A, we can bring a more immediate solution this summer.

I thank my colleagues. I thank the Chair. I look forward to your continued support in this regard.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar No. 102, Pamela Harriman, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

Calendar No. 109, J. Brian Atwood, to be Administrator of the Agency for International Development.

Calendar No. 110, George Edward Moose, to be a Member of the Board of Directors of the African Development Foundation.

Calendar No. 116, Erskine B. Bowles, to be Administrator of the Small Business Administration.

I further ask unanimous consent that the nominees be confirmed, en bloc;

that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

Mr. WARNER. Mr. President, I simply say it is a privilege for me to join with the distinguished whip to be present to proceed with the vote.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Pamela Harriman, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

J. Brian Atwood, of the District of Columbia, to be Administrator of the Agency for International Development.

AFRICAN DEVELOPMENT FOUNDATION

George Edward Moose, an Assistant Secretary of State, to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 27, 1997.

SMALL BUSINESS ADMINISTRATION

Erskine B. Bowles, of North Carolina, to be Administrator of the Small Business Administration.

Mr. WARNER. Mr. President, I thank my distinguished friend and colleague from Kentucky for assisting in the expedition of the acceleration of these nominations today, also the majority leader and the Republican leader.

STATEMENT ON THE NOMINATION OF PAMELA HARRIMAN

Mr. WARNER. Mr. President, Senator ROBB and I have the privilege of representing our constituent, Mrs. Harriman. I was not able to be present at the hearing before the Foreign Relations Committee, because at the time I was with Senators NUNN, LUGAR, chairman PELL, Senator BUMPERS, and Senator STEVENS. We were on a mission to gain some knowledge on the problems in Bosnia, and also the status of our arms control agreements in Moscow. So it is now a privilege for me to speak on behalf of this distinguished American. I strongly urge the Senate to move to the confirmation.

I have known the President's nominee for many years, and I have unquestioned confidence in her ability to handle this nomination, to handle the post of Ambassador. She was a student in pre-World War II France and lived there after the war. That experience provided her with the understanding of the culture and history of the country.

Mr. President, I want to take a moment to recite a little history. Benjamin Franklin, in 1778, was our first U.S. Ambassador to France. France was our first ally. I have often recounted the last battle for independence which took place in our State in the fall of 1781. There were no less than

31,800 French soldiers and sailors that played a pivotal role in that decision. Without their vital support, we may not have been here today as this independent Republic.

I mention that history because Ambassador Harriman will now have the responsibility of working with France in connection with a number of joint operations that our military and the French military are working on throughout the world; the foremost is Bosnia. Although France is a member of NATO, they are not a part of NATO's integrated military structure, France having withdrawn from the military side of NATO in 1960.

In recent years, however, France has agreed, on a case-by-case basis, to cooperate with the military organizations of other NATO nations in many places in the world. This was done in Operation Desert Storm, in Somalia, and now in Bosnia. The French military are serving side by side with the U.S. military in a variety of responsibilities.

France continues to have concerns as to how they participate in operations involving our military and indeed the military organizations of other NATO states. They are concerned about the questions in Bosnia as it relates to possible future peacekeeping missions. Therefore, it was, in my judgment, and in the judgment of other Members of the Senate, a matter of urgency that we proceed to the confirmation of Mrs. Harriman to the post of Ambassador to France. Senator ROBB and I have worked on this nomination, and it has been a privilege to do that.

I thank the leadership of the Senate, the chairman of the Foreign Relations Committee, and my good friend from Kentucky for assisting in this nomination being considered at this most appropriate time.

The future Ambassador is to be honored by the French Government Monday night. I know that she and the French Government will welcome the action of the Senate at this time.

Mr. President, I yield the floor.

STATEMENT ON THE NOMINATION OF PAMELA HARRIMAN

Mr. DOLE. Mr. President, today the Senate has acted on the nomination of Mrs. Pamela Harriman as Ambassador to France. Mrs. Harriman's nomination came as no surprise. She is a long-time Democratic Party activist and a national cochair of the Clinton-Gore campaign who raised an estimated \$12 million for Democratic campaigns from 1980 to 1990.

At least it came as no surprise to this Senator that President Clinton would choose to award a party stalwart and prodigious fundraiser with a prestigious post.

It may, however, have come as a surprise to Secretary of State Christopher, who said at his nomination hearing just about 100 days ago that

recommendations for ambassadorships would be made on qualifications beyond campaign participation and would require real expertise.

Secretary Christopher said:

I've had long conversations with Senator SARBANES about this, who's been, I think, a very important checkpoint on that subject, and he's assured me that he'll take it no easier on me, even though we're old friends, than he has on the prior administration.

Perhaps the nomination is also a surprise to the senior Senator from Maryland who criticized some Bush administration nominees because the nomination of political contributors and party activists says:

To the world at large that the United States is not serious about diplomacy; America places a higher premium on political rewards than on furthering its interest abroad.

And it may be a surprise to the distinguished Senator from Rhode Island, the chairman of the Committee on Foreign Relations, who criticized a Bush appointee because he appeared—

To have been chosen for his fundraising and financial contribution in the past political campaign.

Equally surprised may be the junior Senator from Delaware, also a member of the Committee on Foreign Relations, who complained about nominees:

Distinguished only by their ability to raise money for, or donate money to, political candidates.

Mr. President, obviously we had no intention of interfering with this nomination. I want to make it clear right up front that I have been a longtime admirer of Mrs. Harriman and I certainly wish her well in her assignment in Paris. I think she will do an excellent job.

American relations with France are a crucial part of our foreign and economic policy. The people of France have stood with the people of America from the days of this Nation's birth, through the world wars and through the war of liberation in the Persian Gulf. France is an important economic partner and its cooperation will be necessary within the European Community if there is to be a successful conclusion to the multilateral trade negotiations.

My point is that for 12 years of the Reagan and Bush administrations, Republicans argued that good public servants can come from all walks of life and all economic backgrounds. Personal wealth and political activity on a résumé do not eliminate talent for Government service.

We must have made those arguments well, judging by my Democratic colleagues' remarkable and sudden change of attitude about political appointees and enthusiasm for Mrs. Harriman's nomination.

I have no doubt that we will be seeing other nominees selected by the Clinton administration who would be in severe trouble on the other side of

the aisle if Democrat Senators used the same criteria they did in past administrations. I thought that most of the arguments they raised then were eminently forgettable, Mr. President, and evidently they have been forgotten. Fortunately, for my friends on the other side of the aisle, we have the CONGRESSIONAL RECORD and hearing transcripts to correct this shocking and sudden collective loss of memory.

I think as we look down the road there will be nominations coming down the road here, a lot of them ambassadorships. Maybe we should do as my colleagues on the other side did, saying you cannot nominate this person because they made a contribution to the candidate or to the party. I hope that is not the case on this side.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that we now have a period for morning business with Senators permitted to speak therein.

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

RESOLUTIONS AUTHORIZING USE OF THE CAPITOL GROUNDS: HOUSE CONCURRENT RESOLUTIONS 71, 81, AND 82

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of House Concurrent Resolutions 71, 81, and 82, all related to the use of the Capitol grounds, just received from the House; that the resolutions be deemed agreed to, en bloc, and the motions to reconsider, en bloc, be laid upon the table.

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

So the concurrent resolutions (H. Con. Res. 71, H. Con. Res. 81, and H. Con. Res. 82) were deemed agreed to, en bloc.

RECORD TO REMAIN OPEN UNTIL 3 P.M.

Mr. FORD. Mr. President, I ask unanimous consent that the RECORD remain

open today until 3 p.m. for the introduction of legislation and statements.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at \$4,243,812,928,219.24 as of the close of business on Wednesday, May 5. Averted out, every man, woman, and child in America owes a part of this massive debt, and that per capital share is \$16,521.96.

THE NATIONAL SERVICE TRUST ACT OF 1993

Mr. CHAFEE. Mr. President, yesterday several of my colleagues and I introduced S. 919, the National Service Trust Act of 1993. I have long supported efforts to promote national and community service and am pleased to be an original sponsor of the bill.

The value of community service—both to the individual performing it and to the society at large—is inestimable. Our country has often been at its best when it challenged our young people to make a contribution to the Nation and our society. The Civilian Conservation Corps, the Peace Corps, and the Volunteers in Service to America [VISTA] are just a few of the many programs that demonstrate this ideal and show that, along with many opportunities, citizenship presents us with duties as well.

I will not go into great detail about S. 919; my colleagues did that yesterday. But I would like to make a few points about the bill.

As my colleagues mentioned, S. 919 will combine the Commission on National and Community Service and ACTION into the Corporation for National Service, allowing for greater coordination of existing programs that provide volunteer opportunities for people of all ages.

This measure also emphasizes service learning, including school and community-based service programs, for young people in elementary school through college. There is no greater opportunity to instill in our Nation's young people the spirit of civic responsibility than in our Nation's schools. Education and community service go hand in hand.

I am pleased to say that Rhode Island is leading the way in this regard.

Brown University in Providence is the headquarters for the Campus Compact, a coalition of over 360 institutions of higher learning that is working with university staff, students, service organizations, community, State and local officials to foster public service.

The higher education institutions within the State also have formed their own coalition, and in 1990 the Governor established the Youth Service Commission to encourage high school and college students to become involved in community service.

Much of what has been accomplished in Rhode Island can be attributed to the late Howard Swearer, a former president of Brown University. Last year, I spoke at the dedication ceremonies for the Brown University Center for Public Service Building, which was named in his honor.

When I was invited to the ceremonies, I began to think about the principles upon which Brown was founded. The original incentive was the desire to perpetuate an educated ministry, but the broader purpose was declared in the charter of 1764 as, "**** preserving in the community a succession of men, duly qualified for discharging the offices of life with usefulness and reputation."

What makes a person duly qualified? Of course, there are tangible qualifications—the classes one takes, the degree one receives, and the academic honors one may achieve.

Beyond that, though, are the intangibles—respect for oneself and others, and a sense of civic responsibility leading one to reach out to the community and to assist those who may be less fortunate.

Our Nation is facing some pressing social issues—substance abuse, high dropout rates, violence. The National Service Trust Act serves as a blueprint to help people develop a sense of civic responsibility and to engage them in crafting solutions to these problems.

I realize this is an ambitious program to embark upon. As Senator KASSEBAUM pointed out, \$7.4 billion over 5 years. That's an awesome figure. And I believe the development and expansion of the program must be monitored carefully to ensure that any funds are spent wisely, and that the program is meeting its goals of providing meaningful volunteer opportunities to our young people.

It also is imperative that this program not be heralded as a means to guarantee access to higher education. The education award will defray higher education expenses for some students, but only a limited number of students. I certainly wish we could do more, but we must be sensitive to fiscal responsibilities.

S. 919 has moved the issue of national service to the forefront. But as we all know, as this bill moves through the legislative process, it will undergo

changes. And although this bill would authorize spending, it does not guarantee that the National Service Trust Act will receive appropriations right away.

The fiscal reality is quite simple—there are a number of established programs, such as the student loan program and Pell grants, not to mention other established domestic programs—that are worthy of maintained or increased appropriations levels. And we will have to make some difficult decisions during the appropriations process.

Mr. President, the National Service Trust Act will assist schools in developing curriculum to promote civic responsibility, and most importantly, through their individual contributions to our society, will enhance the personal development of our Nation's young people. I urge other Senators to join us in this endeavor.

SUPPORT FOR BAUCUS WETLANDS AMENDMENT

Mr. PELL. Mr. President, I was necessarily absent on May 4, 1993, when the Senate voted on an amendment offered by the senior Senator from Montana [Mr. BAUCUS] to help address confusion about the Nation's wetland program.

If I had been present, I would have voted against tabling and in support of this amendment to direct the President—in consultation with the Secretary of the Environment, the Secretary of the Army, and the Secretary of the Interior—to make recommendations and report to the Congress on measures to:

First, provide that a single Federal agency be responsible for making technical determinations, including identification of wetlands, or converted wetland, in order to reduce confusion among agricultural producers; and

Second, provide that the Soil Conservation Service be the Federal agency responsible for all such technical determinations concerning wetlands on agricultural lands.

We need to clarify our wetland preservation program, but we also need to make sure that we do not cripple the program with patchwork solutions.

The amendment offered by Senator BAUCUS represents a responsible and responsive step toward our mutual goal of a clear and effective wetland program.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURE REFERRED

The following measure, previously received from the House of Representatives, was read the first and second times by unanimous consent, and referred as indicated:

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; to the Committee on Banking, Housing, and Urban Affairs.

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. DASCHLE (for himself, Mr. BINGAMAN, Mr. DECONCINI, Mr. CONRAD, Mr. CAMPBELL, Mr. STEVENS, Mr. INOUE, and Ms. MOSELEY-BRAUN):

S. 923. A bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. RIEGLE (for himself, Mr. D'AMATO, Mr. BOND, Mrs. BOXER, Mr. DODD, and Ms. MOSELEY-BRAUN):

S. 924. A bill to protect home ownership and equity through enhanced disclosure of the risks associated with certain mortgages, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUE (for himself, Mr. MCCAIN, Mr. SIMON, Mr. CAMPBELL, Mr. WELLSTONE, and Mr. DASCHLE):

S. 925. A bill to require the Secretary of the Interior to pay interest on Indian funds invested, to authorize demonstrations of new approaches for the management of Indian trust funds, to clarify the trust responsibility of the United States with respect to Indians, to establish a program for the training and recruitment of Indians in the management of trust funds, to account for daily and annual balances on and to require periodic statements for Indian trust funds, and for other purposes; to the Committee on Indian Affairs.

By Mr. HEFLIN:

S. 926. A bill for the relief of Arkadi Golovkina, his wife, Valentina Golovkina, and daughter, Olga Golovkina; to the Committee on the Judiciary.

By Mr. ROBB (for himself, Mr. AKAKA, Mr. DECONCINI, Mr. PRESSLER, and Mr. SHELBY):

S.J. Res. 90. A joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. DECONCINI,

Mr. CONRAD, Mr. CAMPBELL, Mr. STEVENS, Mr. INOUE, and Ms. MOSELEY-BRAUN):

S. 923. A bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE FETAL ALCOHOL SYNDROME PREVENTION ACT

Mr. DASCHLE. Mr. President, today, the Senator from New Mexico [Mr. BINGAMAN] and I are introducing the Comprehensive Fetal Alcohol Syndrome Prevention Act. This legislation would help prevent the human tragedy of fetal alcohol syndrome and fetal alcohol effects by establishing a comprehensive public education, prevention, and research program within the Department of Health and Human Services. Joining us as original cosponsors of this legislation are Senators DECONCINI, CONRAD, CAMPBELL, STEVENS, INOUE, and MOSELEY-BRAUN.

This legislation would expand efforts to prevent fetal alcohol syndrome and fetal alcohol effects—also known as FAS/FAE—a range of debilitating physical and mental birth defects associated with alcohol consumption during pregnancy. Those defects include mental retardation, physical malformations, learning disabilities, and emotional disturbances.

The bill has four primary objectives. First, it would expand resources for basic and applied epidemiological research related to FAS/FAE.

Second, it would establish programs to coordinate and support national, State-, and community-based public awareness, prevention, and education programs on FAS/FAE.

Third, it would establish and facilitate a national surveillance program to monitor the effectiveness of the FAS/FAE prevention programs and the incidence of FAS/FAE. Finally, by establishing a task force to foster coordination among all Federal agencies that conduct FAS/FAE research, prevention, and treatment, it would maximize existing resources and efficiently integrate new prevention efforts.

My awareness of the toll substance abuse during pregnancy is having was heightened by hearings I chaired several years ago on the Rosebud Reservation in Rapid City, SD. Those hearings on the broader issues of child abuse included a discussion of the effects of maternal consumption of alcohol during pregnancy and led to a hearing in Washington on the specific issue of alcohol-related birth defects.

At the hearings, witnesses testified about a range of mental and physical birth defects that can result from drinking during pregnancy, including those defects called fetal alcohol syndrome and fetal alcohol effects. The hearings revealed the extent of human suffering caused by these birth defects

and experienced by affected children and adults, their mothers, and their families. The human suffering caused by this avoidable tragedy is simply unacceptable.

In addition to the human costs, birth defects caused by maternal substance abuse pose extraordinary societal problems in terms of specialized medical care and education programs, foster care, and residential and support services needed by alcohol-impaired individuals over their lifetimes. Even before these babies leave the hospital following birth, the financial costs can be enormous, as many of these infants are born prematurely and require specialized attention in intensive care nurseries. Alcohol-related children are at risk for developing alcoholism themselves and giving birth to FAS babies, thereby compounding the problem and perpetuating this cruel cycle.

It is particularly disturbing that despite the high incidence of FAS/FAE, they are totally preventable—simply through maternal abstinence from the use of alcohol during pregnancy. FAS is the leading identifiable cause of mental retardation in the United States and the only one that is 100 percent preventable. Yet, this country's efforts to conduct effective public education, prevention, and research programs on FAS/FAE is sorely lacking. It is tragic that the Federal Government has not done more to combat prenatal exposure to alcohol and other drugs.

Studies indicate that many pregnant women are unaware of the risks associated with drinking while pregnant. That is partially true because of the inadequate public education about this issue.

Our bill would fill the gap by establishing in the Department of Health and Human Services a national comprehensive public education effort to combat FAS/FAE. It would also coordinate and support State and community-based public awareness and prevention efforts implemented by local governments, Indian tribal governments, academic institutions, schools and school-based health clinics, and nonprofit organizations across the country.

Despite public education efforts, it is difficult for pregnant women to understand the risks associated with the maternal alcohol abuse when many of their health care providers do not fully understand fetal alcohol syndrome and fetal alcohol effects and the risks associated with alcohol use during pregnancy.

Though a direct link has been established between alcohol consumption and birth defects, the inadequate status of our resources on this issue leaves health care providers without precise information to convey to pregnant women about FAS/FAE and alcohol use during pregnancy. Furthermore, many health care and social services provid-

ers do not know how to recognize and diagnose either FAS or FAE.

Our bill would address these problems by establishing and supporting research efforts targeted to increasing data on the causes, effective prevention methods, accurate and early diagnosis, and treatment of FAS/FAE. It would also convene a panel to develop and update FAS/FAE diagnostic criteria and create a plan to disseminate this knowledge to health care and social services providers across the country.

While the problem of alcohol and drug abuse during pregnancy cuts across all races, nationalities, and economic boundaries, and is indeed a national problem, the problem of FAS/FAE is especially acute among American Indians and Alaskan Natives.

Studies indicate that in some Indian communities where alcohol dependency rates are significantly higher than the national average, as many as one in four newborns may be affected by FAS/FAE. Just today an article appeared in the Washington Post that indicates that the number of reported births of babies born with FAS/FAE increased threefold from 1979 through 1992. I ask unanimous consent that it be printed at this time.

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

FETAL ALCOHOL SYNDROME BIRTHS SAID TO RISE SHARPLY

ATLANTA, May 6.—Births of babies with health problems attributed to alcohol consumption by their mothers during pregnancy increased threefold from 1979 through 1992, federal health officials said today.

The increase in fetal alcohol syndrome may be even higher because the disease is difficult to diagnose in newborns, officials at the Centers for Disease Control and Prevention (CDC) said.

"It's likely that this rate that we're reporting is an underestimate, that the problem is of greater magnitude," said David Erickson, chief of the CDC's birth defects and genetic diseases branch. He added that he believes better reporting of the syndrome by doctors is primarily responsible for the increased numbers.

The rate of reported fetal alcohol syndrome cases jumped from one per 10,000 births in 1979 to 3.7 per 10,000 births in 1992, according to the CDC.

A total of 1,782 cases of fetal alcohol syndrome were reported among the slightly more than 9 million births during the 14-year period—an average rate of just under two cases per 10,000 births.

Symptoms include mental retardation, abnormal facial features, central nervous system problems, behavioral problems and growth deficiencies. Newborns get the disease as a result of alcohol consumption by their mothers during pregnancy, but health officials do not know how much alcohol harms the newborn, Erickson said.

Many doctors advocate no drinking during pregnancy, and there is evidence that even small amounts of alcohol can harm the developing child, he said.

Some babies, he said, "don't have full-blown fetal alcohol syndrome, but they may have other problems of a less-pronounced nature."

Erickson noted that besides better reporting of the condition among doctors, more drinking among pregnant women may have contributed to the increased rate, but the CDC cannot be sure because investigators do not interview mothers of babies suspected of having the syndrome.

Mr. DASCHLE. This legislation—by authorizing grants for community-based, culturally sensitive FAS/FAE prevention programs—would be a significant step forward in the effort to reduce this tragedy.

Finally, while some existing Federal alcohol abuse and maternal health problems address the problem of FAS/FAE, these programs frequently do not pool their knowledge or coordinate their resources effectively.

The legislation we introduce today would create an interagency task force on FAS/FAE to foster coordination among all Federal agencies that conduct or support FAS/FAE research, surveillance, prevention, and treatment efforts.

Mr. President, there is no easy solution to addiction and the birth defects and other damage it causes in children born by pregnant, addicted women.

However, a prevention strategy must include, first, a comprehensive national, State, and community-based FAS/FAE prevention effort; second, expanded research on FAS/FAE; third, more effective coordination of new and existing FAS/FAE treatment and prevention programs.

The cost of prevention in the form of public education and research is substantially less than the downstream human and financial costs of caring for children and adults who have been impaired unnecessarily due to prenatal exposure to alcohol and drugs.

In fact, recent estimates indicate that it takes nearly \$1.4 million to treat and care for one victim of FAS today, from birth to adulthood—\$1.4 million per person.

These prevention programs are an investment that yields substantial long-term dividends—both on a societal level, as welfare dependence by substance abusers and their children is reduced, and on an individual level, as mothers are given the knowledge and support necessary to protect themselves and their children.

I urge my colleagues to support this measure to ensure that pregnant women are given the resources needed to prevent FAS/FAE.

Mr. STEVENS. Mr. President, I am pleased to have been here at the time the fetal alcohol syndrome bill was introduced. I have had a serious problem with that issue in our State, and I am pleased to see we are working on a bipartisan basis to deal with that issue.

Mr. DASCHLE. I ask at this time, Mr. President, that the full text of the Comprehensive Fetal Alcohol Syndrome Prevention Act be printed in the RECORD.

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

S. 923

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 "Comprehensive Fetal Alcohol Syndrome Prevention Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Fetal Alcohol Syndrome is the leading known cause of mental retardation, and it is 100 percent preventable;

(2) each year, more than 5,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) 50,000 more infants are born each year with lesser, though still serious, alcohol-related birth defects, known as Fetal Alcohol Effects;

(4) Fetal Alcohol Syndrome is a national problem, it can impact any child, family, or community, but its threat to American Indians and Alaska Natives is especially alarming;

(5) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effects are 30 times greater than national averages;

(6) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effects increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the risks and the emotional, physical, and mental consequences of alcohol exposure to the baby;

(7) in addition to the immeasurable toll on Fetal Alcohol Syndrome and Fetal Alcohol Effects children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effects pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(8) as a reliable comparison, delivery and care costs are four times greater for infants who were exposed to illicit substances than for infants with no indication of substance exposure, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated, to be at least \$1,400,000; and

(9) we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

SEC. 3. PURPOSE.

It is the purpose of this Act to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects nationwide. Such program shall—

(1) coordinate and support applied epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

(2) coordinate and support national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effects;

(3) assist in establishing and conducting nation-wide Fetal Alcohol Syndrome and

Fetal Alcohol Effects surveillance and monitoring of prevention programs; and

(4) foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

SEC. 4. ESTABLISHMENT OF PROGRAM.

Part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 4—Provisions Relating to Fetal Alcohol Syndrome and Fetal Alcohol Effects

"SEC. 520E. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the National Institutes of Health, and other relevant offices, shall establish a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects and coordinate Federal efforts to prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects.

"(b) ELEMENTS OF PROGRAM.—Under the program established under subsection (a), the Secretary shall establish a program that shall—

"(1) coordinate and support national and targeted public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(2) assist in establishing and conducting nationwide Fetal Alcohol Syndrome and Fetal Alcohol Effects surveillance and monitoring of prevention programs; and

"(3) coordinate and support applied epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(4) direct the Director of the National Institutes of Health to direct the National Institute on Alcoholism and Alcohol Abuse to establish a program that shall conduct and support basic research targeted to developing data to improve prevention and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(5) convene a panel of national experts to develop diagnostic criteria for Fetal Alcohol Effects and review and update diagnostic criteria for Fetal Alcohol Syndrome, and develop a plan to disseminate criteria to health care and social services providers; and

"(6) establish an Inter-Agency Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effects, which shall be chaired by the Associate Administrator for Alcohol Prevention and Treatment of the Substance Abuse and Mental Health Services Administration, and which shall include representatives from all relevant agencies and offices within the Department of Health and Human Services (including the Indian Health Service) Department of Agriculture, Department of Education, Department of Defense, Department of Interior (including the Bureau of Indian Affairs), Department of Justice, Bureau of Alcohol, Tobacco and Firearms, Federal Trade Commission, and any other relevant Federal Agency.

"SEC. 520F. EDUCATION AND PUBLIC AWARENESS.

"The Secretary shall direct the Directors of the Centers for Disease Control and Prevention and the Substance Abuse and Mental Health Services Administration to—

"(1) support, conduct and evaluate the effectiveness of—

"(A) training programs for health care providers, educators, school-based health care

providers, social workers, child welfare workers and family members concerning the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(B) prevention and education programs, including health education, and school-based clinic programs, for school-age children with respect to Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(C) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(2) provide technical and consultative assistance to States, Indian tribal governments, local governments, school-based health care providers, scientific and academic institutions, and non-profit organizations concerning the programs referred to in paragraph (1); and

"(3) award grants to and enter into cooperative agreements and contracts with States, Indian tribal governments, local governments, scientific and academic institutions, entities that fund school-based clinics, and non-profit organizations for the purpose of—

"(A) enabling such entities to evaluate the effectiveness, with particular emphasis on the cultural sensitivity and age-appropriateness, of the prevention, education and community-based public awareness programs referred to in paragraph (1);

"(B) enabling such entities to provide training to health care providers, school nurses and other school health care providers, including school-based clinic health care providers, educators, family members, social workers, child welfare workers, and others in the prevention, diagnosis and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(C) educating children and youth, including pregnant and high-risk youth, concerning such syndrome and effects through sequential school health education programs, with priority given to those programs that are part of a sequential, comprehensive school health education program; and

"(D) increasing public and community awareness concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects through culturally sensitive projects, programs, and campaigns, and improving the understanding of the general public and targeted groups concerning the most effective methods for intervening with friends and family to prevent fetal exposure to alcohol.

"SEC. 520G. FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECTS SURVEILLANCE AND PREVENTION PROGRAM ASSESSMENT.

"The Secretary shall—

"(1) develop, conduct, and evaluate Fetal Alcohol Syndrome and Fetal Alcohol Effects surveillance and prevention programs;

"(2) provide technical and consultative assistance to States, Indian tribal governments, local governments, scientific and academic institutions, and non-profit organizations concerning the surveillance and assessment of the incidence of Fetal Alcohol Syndrome and Fetal Alcohol Effects and the assessment and evaluation of prevention, education, and public awareness programs with respect to Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(3) award grants to and enter into cooperative agreements and contracts with States and Indian tribal governments to—

"(A) assist such States and Tribal governments in initiating and improving methods and mechanisms needed to conduct effective Fetal Alcohol Syndrome and Fetal Alcohol Effects surveillance; and

"(B) enable such States and Tribal governments to evaluate the effectiveness of community-based Fetal Alcohol Syndrome prevention, education, and public awareness projects.

"SEC. 520H. APPLIED EPIDEMIOLOGIC RESEARCH AND PREVENTION PROGRAM.

"The Secretary shall direct the appropriate agencies within the Department of Health and Human Services to—

"(1) conduct and support research on the causes, mechanisms, diagnostic methods, and treatment and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(2) provide technical and consultative assistance and training to States, Indian tribal governments, local governments, other public entities, scientific and academic institutions, and non-profit organizations engaged in the conduct of—

"(A) Fetal Alcohol Syndrome prevention and early intervention programs; and

"(B) research relating to the causes, mechanisms, diagnosis methods, treatment and prevention, of Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(3) award grants to, and enter into cooperative agreements and contracts with States, Indian tribal governments, local governments, other public entities, scientific and academic institutions, and non-profit organizations to—

"(A) assist such entities in conducting innovative demonstration and evaluation projects designed to determine effective strategies, including community-based prevention programs and multi-cultural education campaigns, for preventing and intervening in fetal exposure to alcohol;

"(B) improve and coordinate the surveillance and ongoing assessment methods implemented by such entities and the Federal Government, with respect to Fetal Alcohol Syndrome and Fetal Alcohol Effects for the purpose of—

"(i) tracking progress toward achieving relevant Year 2000 Prevention Objectives, set forth by the Public Health Service in the Healthy People 2000: National Health Promotion and Disease Prevention Objectives;

"(ii) identifying successful, culturally sensitive prevention efforts; and

"(iii) identifying children who have symptoms of Fetal Alcohol Syndrome and Fetal Alcohol Effects and may need special health, education, and support services;

"(C) develop and evaluate effective age-appropriate and culturally-sensitive prevention programs for infants, children, adolescents, and adults identified as being at-risk of becoming chemically dependent on alcohol and associated with or developing Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(D) facilitate coordination and collaboration among Federal, State, Tribal, and local Fetal Alcohol Syndrome prevention programs.

"SEC. 520I. BASIC RESEARCH PROGRAM.

"The Director of the National Institutes of Health shall direct the National Institute on Alcoholism and Alcohol Abuse to conduct and support research on services research and effective prevention treatments and interventions for pregnant alcohol dependant women and individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effects.

"SEC. 520J. DIAGNOSTIC CRITERIA FOR FETAL ALCOHOL EFFECTS.

"Not later than 90 days after the date of enactment of this subpart, the Secretary shall—

"(1) convene a panel of nationally-recognized experts to develop a set of diagnostic criteria for Fetal Alcohol Effects and review

and update diagnostic criteria for Fetal Alcohol Syndrome; and

"(2) direct such panel to develop a plan for widely-disseminating the criteria to health care providers, educators, social workers, child welfare workers, and other individuals within 16 months of such date of enactment.

"SEC. 520K. INTER-AGENCY TASK FORCE ON FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECTS.

"(a) **ESTABLISHMENT.**—Not later than 30 days after the date of enactment of this subpart, the Secretary shall establish an Inter-Agency Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effects to foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

"(b) **MEMBERSHIP.**—The Task Force established under subsection (a) shall—

"(1) be chaired by the Associate Administrator for Alcohol Prevention and Treatment of the Substance Abuse and Mental Health Services Administration and staffed by the Administration; and

"(2) include representatives from all relevant agencies and offices within the Department of Health and Human Services, Department of Agriculture, Department of Education, Department of Defense, Department of Interior, Department of Justice, Bureau of Alcohol, Tobacco and Firearms, Federal Trade Commission, and any other relevant Federal agency.

"(c) **FUNCTIONS.**—The Task Force established under subsection (a) shall—

"(1) coordinate all Federal programs and research concerning Fetal Alcohol Syndrome, Fetal Alcohol Effects, and other forms of maternal substance abuse, including those programs—

"(A) targeting individuals, families, and populations identified as being at risk of acquiring Fetal Alcohol Syndrome, Fetal Alcohol Effects, or other maternal substance abuse; and

"(B) providing health, education, treatment, and social services to infants, children, and adults with Fetal Alcohol Syndrome, Fetal Alcohol Effects, and other drug exposures and their families; and

(2) coordinate its efforts with existing Department of Health and Human Services task forces on substance abuse prevention and maternal and child health;

"(3) report on an annual basis to the Secretary and relevant Committees of Congress on the current and planned activities of the participating agencies.

"SEC. 520L. ADMINISTRATIVE PROVISIONS WITH RESPECT TO GRANTS, COOPERATIVE AGREEMENTS AND CONTRACTS.

"(a) **ELIGIBILITY.**—To be eligible to receive a grant, cooperative agreement or contract under this subpart, an entity shall—

"(1) be a State, Indian tribal government, local government, entity that funds a school-based health clinic, scientific or academic institution or non-profit organization;

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under a grant, cooperative agreement, or contract; and

"(3) provide assurances that amounts received under such grants, cooperative agreements or contracts will be used in accordance with this subpart.

"(b) **MAINTENANCE OF EFFORT.**—No grant, cooperative agreement, or contract may be awarded to an entity under this subpart unless the entity agrees to maintain the expenditures of the entity for activities of the type for which the amounts to be received under a grant, cooperative agreement, or contract are to be used, at a level equal to not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity is applying to receive the grant, cooperative agreement or contract.

"(c) **AMOUNTS IN LIEU OF CASH.**—At the request of a recipient of a grant, cooperative agreement, or contract under this subpart, the Secretary may reduce the amount provided under such grant, agreement, or contract by—

"(1) an amount equal to the fair market value of any supplies or equipment furnished the recipient; and

"(2) an amount equal to the amount of the pay, allowances, and travel expenses of any officer or employee of the Federal Government which was detailed to the recipient and the amount of any other cost incurred in connection with the detail of such officer or employee.

"SEC. 520M. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart, such sums as are necessary for each of the fiscal years 1994 through 1997."

Mr. BINGAMAN. Mr. President, next week has been designated National Fetal Alcohol Syndrome Awareness Week; and I am particularly pleased today to join my good friend and distinguished colleague, Senator DASCHLE, in reintroducing the Comprehensive Fetal Alcohol Syndrome Prevention Act. Through this legislation, we are proposing a comprehensive, coordinated, national effort to prevent one of the leading causes of birth defects in this country: fetal alcohol syndrome.

The need for this legislation is well-documented, and the time for action is long overdue. Fetal alcohol syndrome [FAS] is this Nation's primary known cause of mental retardation, and it is completely preventable. According to a report issued yesterday by the Centers for Disease Control and Prevention, the number of reported FAS cases has tripled over the past decade. The CDC reports that in 1992, nearly 4 infants—possibly more—out of every 10,000 births were born with FAS, suffering irreversible physical and mental harm. In 1979, the first year CDC collected information on the incidence of fetal alcohol syndrome, it estimated the number of reported FAS cases at only 1 per 10,000 births.

Adding to the extent of the problem are estimates which indicate that each year 10,000 to 12,000 infants are born with lesser, though still serious, alcohol-related birth defects known as fetal alcohol effects [FAE].

In my home State of New Mexico, the number of infants born with FAS has exceeded the national average for a number of years. Each year, more than 36 babies are born in New Mexico with FAS, and more than 80 are born with

FAE. Some experts believe our FAS rate has been consistently higher than the national average because our doctors, who have benefited from a significant amount of State-based FAS research, are more familiar with its signs and symptoms. If this is true, then nationally the number of FAS and FAE births could be higher than today's estimates. In fact, the CDC believes this to be the case. According to Dr. David Erickson, the Chief of the CDC's Birth Defects and Genetic Diseases Branch, the new CDC count—which we need to remember is a threefold increase over the 1979 estimate—probably is a substantial undercount. It is an undercount for a number of reasons, but chief among them is undoubtedly lack of awareness.

Although the exact number of infants and families impacted by FAS and FAE is not entirely certain, there is no question that fetal alcohol syndrome is a national problem. It can impact any child, any family, and any community. But I am especially troubled about the threat FAS poses to the Navajo, Apache, and Pueblo children and families in New Mexico and to American Indians throughout the Nation. New Mexico health officials estimate that the combined FAS rate for our State's 22 Indian tribes is 2 to 5 times that of the national average. According to the Indian Health Service, the prevalence of FAS is significantly higher among American Indians and Alaska Natives than nationally. I have been told that in some American Indian and Alaska Native communities, as many as one in four newborns may be affected by FAS or FAE.

Mr. President, the real tragedy of fetal alcohol syndrome and fetal alcohol effects is that both are completely preventable. Not one more infant would be born with FAS or FAE if every pregnancy was an alcohol-free pregnancy. If we could get the message out that alcohol and pregnancy do not mix, if we could explain the compelling need for every mother to stay away from alcoholic beverages while she is pregnant, then we could eliminate this disease. The key is prevention through education.

Prevention through education is the cornerstone of the Comprehensive Fetal Alcohol Syndrome Prevention Act. As I mentioned earlier, this bill will create a comprehensive, coordinated program within the Department of Health and Human Services to help prevent FAS and FAE. Specifically, this bill:

Directs the Secretary of Health and Human Services to:

Coordinate and support national and targeted public awareness, prevention, and education programs on FAS-FAE;

Coordinate and support basic and applied epidemiologic research on FAS-FAE;

Assist in establishing and conducting nationwide FAS-FAE surveillance programs;

Convene a panel of national experts to develop diagnostic criteria for FAE; and

Focus efforts on the needs of at-risk populations, and American Indians and Alaska Natives in particular.

Establishes an Inter-Agency Task Force on FAS-FAE:

To coordinate all Federal agencies that conduct or support FAS-FAE research, programs, and surveillance or otherwise meet the general needs of populations actually or potentially impacted by FAS-FAE; and

To prepare an annual report to the Congress on FAS-FAE research and prevention efforts.

The task force will be chaired by the Associate Administrator for Alcohol Prevention and Treatment of the Substance Abuse and Mental Health Services Administration [SAMHSA];

Members will include all relevant agencies and offices within the Departments of Health and Human Services, Agriculture, Education, Defense, Interior, and Justice; the Bureau of Alcohol, Tobacco and Firearms; the Federal Trade Commission, and all other relevant departments and agencies.

Mr. President, each one of the provisions I have listed is needed. But perhaps most important, the new DHHS program this bill authorizes will help develop national and targeted campaigns to increase public awareness of the symptoms and impact for preventing FAS and FAE. The central focus of every campaign will be clear, effective, and culturally sensitive methods and messages for FAS and FAE prevention. Initially, Federal efforts will focus on the needs of at-risk populations, and in particular, American Indians and Alaska Natives.

I urge my colleagues to study this legislation and lend it their support. As I mentioned earlier, FAS knows no boundaries. It can—and does—impact children and families in every State in this country. It is a problem so pervasive, yet so readily preventable, that it requires a broad-based, concerted, and coordinated effort for elimination. FAS-FAE prevention programs need increased funding, and we need to work to make this happen. But money alone is not the answer. We need a firm commitment from the Federal Government, the States, local governments, Indian tribes, schools, community-based organizations, and families to assume responsibility and work together, in a coordinated manner, for the benefit of our children. If we have this commitment, we can improve the quality of life for children already afflicted with FAS, and we can put an end to this terrible—and 100 percent preventable—disease.

By Mr. RIEGLE (for himself, Mr. D'AMATO, Mr. BOND, Mrs.

BOXER, Mr. DODD, and Ms. MOSELEY-BRAUN):

S. 924. A bill to protect home ownership and equity through enhanced disclosure of the risks associated with certain mortgages, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

HOME OWNERSHIP AND EQUITY PROTECTION ACT OF 1993

Mr. RIEGLE. Mr. President, today I am introducing the Home Ownership and Equity Protection Act with my colleague Senator D'AMATO. Senators BOND, BOXER, DODD, and MOSELEY-BRAUN have joined us as original co-sponsors. This legislation amends the Truth in Lending Act to provide additional consumer protections against the problem of reverse redlining. Redlining is the practice of denying credit within certain geographic boundaries, often based on race. Reverse redlining is the targeting of these same communities for loans with unfair terms and conditions.

On February 17, 1993, the Banking Committee heard highly disturbing testimony. As banks have withdrawn from low-income communities, a parade of shady lenders has filled the void, peddling high-rate, high-fee mortgages to cash poor homeowners. Witnesses described lenders and brokers who operate door-to-door, offering mortgages with promises of home improvements and debt consolidation. Unsophisticated borrowers do not understand, and often do not receive, disclosures from these lenders about the terms of the loans, and they are left struggling to meet overwhelming mortgage payments. Too often, the borrowers end up losing their homes to foreclosure.

The committee heard from Ms. Eva Davis, an elderly resident of San Francisco, CA. After an earthquake damaged her front steps, Ms. Davis was approached by a contractor offering to repair the damage. When she informed the contractor that her income was only \$1,100 per month, he said that he could arrange financing and contacted a local finance company.

A representative of the finance company arrived within hours. He offered to finance the repairs and to consolidate her existing debts into a new mortgage. By the end of the day, she had closed on a \$150,000 second mortgage at 16.97 percent with a prepaid finance charge of \$23,000. The monthly payments of \$1,800 exceeded her entire monthly income.

Not surprisingly, Ms. Davis is currently facing foreclosure. She has already paid outrageous origination fees and will likely lose the equity in her home. Ms. Davis left us with this plea, "I hope that Members of Congress can do something to protect people like me whose only mistake was to trust people who sounded honest."

The legislation we introduce today attempts to answer this request. It is

balanced legislation—it aims to address only problematic loans and in no way limit the overwhelming majority of traditional lending that needs to be encouraged in distressed areas. The bill singles out mortgages with high rates or high up-front fees and mortgages which will eat up a large percentage of the borrower's income. For these mortgages, the bill requires increased disclosures to ensure that the borrower is fully aware of the terms. The bill also prohibits these mortgages from containing certain terms that have led to abuses in the past. The particular provisions of the bill may need to be adjusted as it moves through the legislative process, but I believe the bill offers a sound framework and a good beginning.

In particular, the bill creates a classification of high-cost mortgages. These are loans secured by a borrower's dwelling but not used to buy or build that dwelling that satisfy any of three conditions outlined below:

First, the annual percentage rate is more than 10 percent over the comparable maturity Treasury securities;

Second, the borrower's total monthly debt payments will exceed 60 percent of the borrower's monthly income; or

Third, the points and fees payable at or before closing will exceed 8 percent of the loan amount.

For these mortgages, the legislation mandates several new consumer protections. A conspicuous warning on the disclosure form will indicate that the borrower could lose the home if all obligations under the loan are not met. The form will clearly state the borrower's income, debt payments, and the amount remaining after these payments for other necessities, as well as certain other critical terms of the loan.

Importantly, the mandated disclosures must be provided a minimum of three days before the consummation of the loan. This new cooling-off period will prevent shady lenders operating door-to-door from entering the homes of borrowers and, within hours, signing them to an outrageous mortgage within hours. Finally, the legislation prohibits a high cost loan from including prepayment penalties for loans prepaid after 90 days, balloon payments negative amortization terms, or prepaid payments—terms which have been used abusively in such loans in the past.

This legislation is an important step. The scam artists and shady lending schemes which prey on homeowners must be stopped, and this legislation will address that need. It is not, however, the only step required. Predatory lenders flourish because segments of the population have been abandoned by the mainstream financial system. According to a study by the Federal Reserve Bank of Boston, black and Hispanic mortgage applicants face a 60-percent greater likelihood of being turned down than whites, even after

controlling for financial and employment characteristics. A comprehensive solution must address this problem and get traditional credit back into distressed communities. Where credit is available on reasonable and fair terms, there is no market for predatory lenders and reverse redlining.

We have worked on a bipartisan basis to develop this bill, and I want to express my appreciation to Senator D'AMATO for his assistance. Together, we have crafted legislation which will prevent homeowners like Eva Davis from becoming victims of reverse redlining in the future.

I ask unanimous consent that the text of the legislation be included in the RECORD.

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

S. 924

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 "Home Ownership and Equity Protection Act of 1993".

SEC. 2. CONSUMER PROTECTIONS FOR HIGH COST MORTGAGES.

(a) DEFINITION.—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended—

(1) by inserting after subsection (u) the following new subsection:

"(v) The term 'high cost mortgage' means a consumer credit transaction, other than a residential mortgage transaction or a transaction under an open-end credit plan, that is secured by a consumer's principal dwelling and that satisfies at least 1 of the following conditions:

"(1) The annual percentage rate at the time the loan is originated will exceed by more than 10 percentage points the yield on Treasury securities having comparable maturities, as determined by the Board. In the case of a variable rate loan with an initial interest rate that may be different than the rate or rates that will apply during subsequent periods, the annual percentage rate shall be computed taking into account the subsequent rates.

"(2) Based on information provided by the consumer, the consumer's total monthly debt payments will exceed 60 percent of the consumer's monthly gross income, immediately after the loan is consummated. The Board may establish a different debt to income ratio if the Board determines that such a ratio is in the public interest and is consistent with the purposes of this Act.

"(3) All points and fees payable at or before closing will exceed 8 percent of the total loan amount.";

(2) by redesignating subsections (v), (w), (x), (y), and (z) as (w), (x), (y), (z), and (aa), respectively.

(b) MATERIAL DISCLOSURES.—Section 103(a) of the Truth in Lending Act (15 U.S.C. 1602(a)) is amended by striking "and the due dates or periods of payments scheduled to repay the indebtedness," and inserting "the due dates or periods of payments scheduled to repay the indebtedness, and the disclosures for high cost mortgages required by paragraphs (1) through (6) of section 129(a)."

(c) DEFINITION OF CREDITOR CLARIFIED.—Section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended by adding at the end: "Notwithstanding the above, any person

who originates 2 or more high cost mortgages a year, or who originates a high cost mortgage through a loan broker, is a creditor for the purposes of section 129."

(d) DISCLOSURES REQUIRED AND CERTAIN TERMS PROHIBITED.—The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by adding after section 128 the following new section:

"SEC. 129. REQUIREMENTS FOR HIGH COST MORTGAGES.

"(a) DISCLOSURES.—In addition to any other disclosures required under this title, for each high cost mortgage, the creditor shall provide the following written disclosures in clear language and in conspicuous type size and format, segregated from other information as a separate document:

"(1) The following statement: 'If you obtain this loan, the lender will have a mortgage on your home. You could lose your home, and any money you have put into it, if you do not meet your obligations under the loan.'

"(2) The initial annual percentage rate.

"(3) The consumer's gross monthly cash income, as reported to the creditor by the consumer, the total initial monthly payment, and the amount of funds that will remain to meet other obligations of the consumer.

"(4) In the case of a variable rate loan, a statement that the annual percentage rate and the monthly payment could increase, and the maximum interest rate and payment.

"(5) In the case of a variable rate loan with an initial annual percentage rate that is different than the one which would be applied using the contract index after the initial period, a statement of the period of time the initial rate will be in effect, and the rate or rates that will go into effect after the initial period is over, assuming that current interest rates prevail.

"(6) A statement that the consumer is not required to complete the transaction merely because he or she has received disclosures or signed a loan application.

"(b) TIME OF DISCLOSURES.—The disclosures required by this section shall be given no later than 3 business days prior to consummation of the transaction. A creditor may not change the terms of the loan after providing the disclosures required by this section.

"(c) NO PREPAYMENT PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraph (4), a high cost mortgage may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal of a high cost mortgage prior to the date on which such balance is due.

"(2) REBATE COMPUTATION.—For the purposes of this subsection, any method of computing rebates of interest less advantageous to the consumer than the actuarial method using simple interest is deemed a prepayment penalty.

"(3) CERTAIN OTHER FEES PROHIBITED.—An agreement to refinance a high cost mortgage by the same creditor or an affiliate of the creditor may not require the consumer to pay points, discount fees, or prepaid finance charges on the portion of the loan refinanced. For the purpose of this paragraph, the term 'affiliate' has the same meaning as it does in section 2(k) of the Bank Holding Company Act of 1956.

"(4) EXCEPTION.—A high cost mortgage may include terms under which a consumer is required to pay not more than 1 month's interest as a penalty if the consumer prepays

the full principal of the loan within 90 days of origination.

"(d) NO BALLOON PAYMENTS.—A high cost mortgage may not include terms under which the aggregate amount of the regular periodic payments would not fully amortize the outstanding principal balance.

"(e) NO NEGATIVE AMORTIZATION.—A high cost mortgage may not include terms under which the outstanding principal balance will increase over the course of the loan.

"(f) NO PREPAID PAYMENTS.—A high cost mortgage may not include terms under which more than 2 periodic payments required under the loan are consolidated and paid in advance from the loan proceeds provided to the consumer."

(e) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 2 of the Truth in Lending Act is amended by striking the item relating to section 129 and inserting the following:

"129. Disclosure requirements for high cost mortgages."

SEC. 3. CIVIL LIABILITY.

(a) DAMAGES.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) by striking "and" at the end of paragraph (2)(B);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) in case of a failure to comply with any requirement under section 129, all finance charges and fees paid by the consumer."

(b) STATE ATTORNEY GENERAL ENFORCEMENT.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended by adding at the end the following: "An action to enforce a violation of section 129 may also be brought by the appropriate State attorney general in any appropriate United States district court, or any other court of competent jurisdiction, within 5 years from the date on which the violation occurs."

(c) ASSIGNEE LIABILITY.—Section 131 of the Truth in Lending Act is amended by adding at the end the following new subsection:

"(d) HIGH COST MORTGAGES.—If a creditor fails to comply with any of the requirements of section 129 in connection with any high cost mortgage, any assignee shall be subject to all claims and defenses that the consumer could assert against the creditor. Recovery under this subsection shall be limited to the total amount paid by the consumer in connection with the transaction."

SEC. 4. EFFECTIVE DATE.

This Act shall be effective 60 days after the promulgation of regulations by the Board of Governors of the Federal Reserve System, which shall occur not later than 180 days following the date of enactment of this Act.

Mr. D'AMATO. Mr. President, I am pleased to join with Senator RIEGLE, the chairman of the Senate Banking Committee, Senator BOND and others, in introducing legislation designed to protect consumers from egregious and abusive mortgage lending practices. The committee held hearings in early February on the subject of so-called reverse redlining following well-publicized and televised stories involving abusive second mortgages. Consumers in many States, including New York, have been victimized. Following the hearings, Senator RIEGLE and I have worked together to develop an effective

and measured bill that will protect the unwary from the illegal and sharp practices that have been discovered in the second mortgage market without interfering with legitimate business practices.

Mr. President, at the heart of this bill is that people are losing their homes to con artists and loan sharks. In Massachusetts, for example, a home improvement contractor persuaded a 76-year-old man to obtain a mortgage of almost \$100,000 to finance repairs on his house. Quickly, the borrower fell behind on his mortgage and the mortgage holder foreclosed on the loan. The home was purchased in 1962 for \$15,500; the house was sold for \$134,000. The homeowner received none of the proceeds. Mr. President, too many Americans are losing their homes to the fraudulent and sharp practices of con artists, loan sharks, and unscrupulous lenders in the second mortgage market. Homeowners in certain neighborhoods are often pressured into taking out second mortgages, with abusive terms and conditions, to pay for home repairs, consolidate debt, or obtain needed cash. Despite the illusion of big money on easy terms, the reality for these borrowers is often foreclosure and the total loss of accumulated home equity.

In my judgment, so-called reverse-redlining is among the most pernicious form of racial and ethnic discrimination and consumer fraud. The innocent and unsuspecting victims of these outrageous practices have worked hard to realize the American dream of home ownership. Their dream of homeownership has been twisted into a living nightmare by these so-called tin men and home sharks. These abusive practices must come to a halt.

Unfortunately, current laws—the Real Estate Settlement and Procedure Act [RESPA] and Truth In Lending—do not provide adequate protection for consumers and borrowers in the second mortgage market. The con artists exploit these gaps to the financial and emotional detriment of our constituents and our communities.

Today, I am introducing legislation with Senator RIEGLE that will provide an important first step toward filling in the gaps in consumer protection—the Home Ownership and Equity Protection Act of 1993. In a nutshell, the bill will require enhanced disclosure in high-cost mortgage transactions, impose a 3-day cooling-off period between the time of new disclosures and closing, establish strict penalties for non-compliance with those disclosure and delivery requirements, and prohibit the use of certain mortgage terms when used in connection with these high-cost loans.

The bill defines a high-cost mortgage as a mortgage that has an annual percentage rate that is more than 10 percent above comparable Treasury rates,

or that requires the payment of up-front fees and points in excess of 8 percent, or that will result in a consumer having to pay more than 60 percent of his or her monthly income for debt payments including the mortgage loan and all other debts.

Mr. President, it should be emphasized that these criteria are not set in stone. In developing this legislation we have had numerous discussions with representatives of the lending community and consumer organizations in an effort to find the most effective means of protecting homeowners while ensuring access to affordable credit. Some of these groups have argued that the cut-off points used in the bill may be too high or too low, especially with respect to the annual percentage rate. However, the staff of the Federal Reserve Board indicated that an annual percentage rate of 10 percent above comparable Treasury securities was a reasonable index, and for that reason it was selected for purposes of introduction. However, I am looking forward to hearings in the Banking Committee to determine whether any adjustment in these indices should be made prior to consideration on the Senate floor.

Mr. President, this is an important bill that will go a long way toward solving a serious problem in our underprivileged communities. I solicit the support of my colleagues for prompt enactment of this important consumer protection legislation.

Mr. DODD. Mr. President, I rise today as an original cosponsor of the Home Ownership and Equity Protection Act of 1993. I commend Senators RIEGLE and D'AMATO for their leadership in introducing this bill.

Over the past few years, Mr. President, we have seen numerous instances of reverse redlining, the repugnant practice of making second mortgages to the poor and the elderly at outrageous terms.

Generally these scams begin with a home improvement contractor contacting an elderly or low-income homeowner whose house needs repairs. The homeowner contracts for repairs, and agrees to finance them by taking out a second mortgage. But all too often, the home improvement work is never completed, even though the contractor is paid, and the homeowner soon discovers he is on the hook for a mortgage he cannot afford.

In some cases, borrowers wind up losing their homes. Others manage to fend off foreclosure, but only by paying intolerable percentages of their income to stay current.

Mr. President, elderly and low-income Americans are the most frequent victims of these scams. They are preyed upon by unscrupulous individuals because they are often among the least sophisticated when it comes to comprehending fine print and complicated financial transactions.

But the effect on their lives can be devastating. For a senior citizen trying to get by in the twilight of her life, a second-mortgage scam can steal what little economic security she has amassed. For a low-income American just trying to make it, a scam can drive him permanently under water.

States have fortunately made some progress in stopping latter-day tin men and financial pirates from perpetrating further second-mortgage scams. In 1985 for example, our colleague JOE LIEBERMAN, then Connecticut's attorney general, settled a claim against one finance company, with 3,000 borrowers sharing some \$3 million in restitution. In 1990, the Connecticut attorney general settled a claim against a second company, covering some 700 borrowers.

The bill we are introducing today will supplement State efforts.

For starters, it would require disclosure of important information in plain English. Currently, it is all too easy to bamboozle potential borrowers with a morass of fine print and arcane legal terminology. The bill would require lenders of these second mortgages to include a clear statement of annual percentage rates and the amount of monthly income a borrower would have available after making his loan payments.

Second, the bill would ban completely the more outrageous features of abusive second mortgages. Specifically, prepayment penalties and balloon payments would be prohibited, as would loans in which the principal—believe it or not—actually increases as payments are made.

Mr. President, this bill is by no means a finished product. One issue open for further discussion is the universe of second mortgages to which disclosure requirements and term restrictions should apply. It may make sense to cast a wider net, and I look forward to discussing this issue further with all interested parties as work on this bill continues.

But it is important to move the process forward. Time is short, and we must move quickly if we are to gain enactment of this bill before the year is out. For these reasons, I am pleased to cosponsor this bill, and I urge my colleagues to join with us in the effort to provide protections against second-mortgage scams.

By Mr. INOUE (for himself, Mr. MCCAIN, Mr. SIMON, Mr. CAMPBELL, Mr. WELLSTONE, and Mr. DASCHLE):

S. 925. A bill to require the Secretary of the Interior to pay interest on Indian funds invested, to authorize demonstrations of new approaches for the management of Indian trust funds, to clarify the trust responsibility of the United States with respect to Indians, to establish a program for the training

and recruitment of Indians in the management of trust funds, to account for daily and annual balances on and to require periodic statements for Indian trust funds, and for other purposes; to the Committee on Indian Affairs.

NATIVE AMERICAN TRUST FUND ACCOUNTING AND MANAGEMENT REFORM ACT OF 1993

• **Mr. INOUE.** Mr. President, I introduce the Native American Trust Fund and Management Reform Act of 1993, legislation that would: First, require the Secretary of the Interior to invest and pay interest on individual Indian money [IIM] funds held in trust by the Federal Government; second, authorize demonstrations of new and innovative approaches for the management of Indian trust funds; third, clarify the trust responsibility of the United States with respect to Indians; fourth, establish a program for the training and recruitment of Indians in the management of their trust funds; and fifth, require a periodic accounting to Indian trust fund account holders. Its enactment is necessary to reform longstanding mismanagement of the Indian trust fund and to give the 300,000 Native Americans for whom the Bureau of Indian Affairs [BIA] holds money in trust a greater role in the management of the funds which are held in trust for their benefit.

Trust funds currently managed by the United States include the tribal trust fund and the individual Indian moneys account trust fund [IIM trust fund]. As of September 30, 1991, approximately 330 tribes have an interest in the tribal trust fund, however, some tribes have multiple accounts. As a result, approximately 2,965 separate accounts comprise the tribal trust fund. The tribes do not participate equally in the fund. In fact, according to the Office of Trust Fund Management, 77 percent of the fund assets are held by 8 percent of the tribes. The IIM trust fund is a deposit fund, usually not voluntary, for individual participants and tribes. It was originally intended to provide banking services for legally incompetent Indian adults and Indian minors without legal guardians. In addition to these fiduciary accounts, the IIM trust fund now contains deposit accounts for certain tribal operations and some tribal enterprises. Approximately 300,000 accounts are held in the IIM trust fund. These Indian trust funds include judgment awards, oil and gas royalty income, income derived from land leases and timber stumpage, and investment income. As trustee for lands and money held in trust by the United States, the Federal Government is responsible for managing and investing almost \$2 billion in tribal and individual Indian funds.

The system of trusteeship and Federal management of Indian funds is deeply rooted in the Federal-Indian relationship. Treaties are the first and probably most important means by

which trust funds were held by the United States for the benefit of individuals or tribes. While the earliest treaties did not provide that the United States retain funds in trust for the tribes, in 1820 the Federal Government adopted the policy of holding tribal funds in trust.

Later, the role of trustee was delegated to the Secretary of the Interior. Since 1918, the BIA has had the legal authority to invest Indian trust funds. In 1938, the BIA decided that all individual Indian money [IIM] funds would be invested and managed by its agency offices. Since 1966, the BIA's Branch of Investment has pooled all IIM accounts for investment purposes. The Bureau allocates interest earned on the investment pool to individual accounts.

Mr. President, in April 1992, the House Committee on Government Operations unanimously approved a report based on a 3-year investigation by the Subcommittee on Environment, Energy and Natural Resources of the mismanagement of the \$2 billion Indian trust fund. That report, House Report 102-499, demonstrated that the indifferent supervision and control of the Indian trust funds has consistently resulted in a failure to exercise its responsibility and has failed all reasonable expectations of the tribal and individual account holders, and the Congress.

The management of the Indian trust fund has been grossly inadequate in many respects. The Federal Government has failed to accurately account for trust fund moneys. Indeed, the Government cannot even provide account holders with meaningful periodic statements on their account balances. It does not consistently and prudently invest trust funds and pay interest to account holders. It does not have consistent written policies or procedures that cover all of its trust fund accounting practices.

Financial management of the trust funds has been neglected for decades. Many believe that the crisis which exists in the management of the trust funds can only be cured by dramatic changes.

The real losers in the management of the Indian trust fund are the tribes and the individual Indian account holders. These account holders are the victims of Federal mismanagement, and it is appropriate that the Federal Government undertake the correction of these problems.

Mr. President, the Native American Trust Fund Accounting and Management Reform Act of 1993 is designed to correct these deficiencies. I hope that it will lead to an open discussion of the problems and all possible solutions, so that we can promptly act to resolve the deficiencies identified to date.

Mr. President, Congressman MIKE SYNAR, chairman of the Subcommittee on Environment, Energy and Natural

Resources of the House Committee on Government Operations is the principal author of this measure. He has introduced this bill in the House of Representatives. I commend Chairman SYNAR for his leadership and dedicated advocacy in this matter. His persistence and diligence has done much to raise the problems associated with the management of Indian trust funds to the highest levels of Government. I am pleased to introduce this measure in the Senate, and look forward to working with Chairman SYNAR to assure passage of these measures in both Houses.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD following my remarks.

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

S. 925

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 "Native American Trust Fund Accounting and Management Reform Act of 1993".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Secretary" means the Secretary of the Interior; and

(2) the term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

TITLE I—TRUST FUND INTEREST PAYMENTS

SEC. 101. PAYMENT OF INTEREST ON FUNDS INVESTED.

(a) **PAYMENT OF INTEREST.**—(1) The fourth proviso of subsection (a) of the first section of the Act of June 24, 1938 (25 U.S.C. 162a), is amended by striking "may invest" and inserting "shall invest".

(2) The first section of the Act of June 24, 1938 (25 U.S.C. 162a), is amended by adding at the end the following new subsection:

"(d) Amounts deposited or invested under subsection (a) shall earn interest at the appropriate rates, taking into consideration the type of deposit or investment. The Secretary shall periodically pay such interest to the appropriate Indian tribe or individual Indian or, at the election of the Indian tribe or individual Indian, add such interest to the principal so deposited or invested."

(b) **TECHNICAL CORRECTION.**—The second subsection (b) of the first section of the Act of June 24, 1938 (25 U.S.C. 162a), as added by section 302 of Public Law 101-644 (104 Stat. 4667), is hereby redesignated as subsection (c).

(c) **REPEAL OF LIMITATION ON UNITED STATES LIABILITY.**—Paragraph (2) of subsection (c) of the first section of the Act of June 24, 1938, as amended by subsection (b), is amended to read as follows:

"(2) Amounts deposited or invested under this subsection shall generate earnings at the appropriate rates, taking into consideration the type of investment concerned. The Secretary shall periodically pay such earnings to the appropriate Indian tribe or individual Indian or, at the election of the Indian tribe or individual Indian, add such earnings to the principal of such funds so invested."

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to interest

earned on amounts deposited or invested on or after the date of the enactment of this Act.

SEC. 102. AUTHORITY FOR PAYMENT OF CLAIMS FOR INTEREST OWED.

The Secretary is authorized to make payments to an Indian tribe or an individual Indian—

(1) in full satisfaction of any claim of such Indian tribe or individual Indian for interest on amounts deposited or invested on behalf of such Indian tribe or individual Indian before the date of enactment of this Act under the Act of June 24, 1938 (25 U.S.C. 162a), and who was not paid the appropriate amount of interest on such funds; and

(2) in an amount equal to the interest which would have been earned if funds of such Indian tribe or individual Indians which were subject to the Act of June 24, 1938 (25 U.S.C. 162a), had been deposited or invested in accordance with such Act.

TITLE II—INDIAN TRUST FUND MANAGEMENT DEMONSTRATION PROGRAM

SEC. 201. PURPOSE.

The purpose of this title is to demonstrate new approaches for the management of tribal and individual Indian funds held in trust by the United States and managed by the Secretary through the Bureau, that, consistent with the trust responsibility of the United States and the principles of self-determination, will—

(1) give Indian tribal governments and individual Indian account holders greater control over the management of such trust funds;

(2) pursuant to tribal instructions, involve investment of such trust funds by the Secretary in a manner that will also help to promote economic development in Indian communities; or

(3) otherwise demonstrate how the principles of self-determination can work with respect to the management of such trust funds, in a manner consistent with the trust responsibility of the United States.

SEC. 202. DEFINITION.

For the purposes of this title, except for the purposes of section 208, the terms "Indian tribe" and "tribe" mean—

(1) an Indian tribe;

(2) a consortia of Indian tribes; or

(3) an association of Indians holding individual Indian trust fund accounts managed by the Secretary through the Bureau.

SEC. 203. DEMONSTRATION PLANS.

An Indian tribe may submit to the Secretary a plan to demonstrate a new approach for the management of tribal or individual Indian funds held in trust by the United States for such tribe or the members of such tribe, and as of the date of the enactment of this Act, managed by the Secretary through the Bureau. Such plan may provide for the following:

(1) Management of such funds directly by the Indian tribe in financial institutions selected by the tribe, subject to supervision and oversight by the Secretary. For the purposes of this section, the term "management" may include one or more of the functions carried out, as of the date of the enactment of this Act, by the Secretary through the Bureau in managing such funds, such as collection, disbursement, and investment functions.

(2) Management of such funds by the Secretary in a manner that—

(A) involves investment of such funds in financial institutions on or near the reservation;

(B) increases tribal access to such institutions;

(C) promotes economic development activities on the reservation; or

(D) otherwise promotes tribal priorities.

(3) Management of such funds at the local level through contracts with local financial institutions that meet the purposes of this title.

(4) Such other approaches, as determined by the Secretary, that meet the purpose of this title.

SEC. 204. APPROVAL OF PLANS BY THE SECRETARY.

(a) IN GENERAL.—The Secretary shall approve and implement, or provide for the implementation by an Indian tribe of, a plan that meets the following conditions:

(1) Such plan has been approved by the appropriate Indian tribe, as follows:

(A) For a plan involving tribal trust funds, such plan is accompanied by a resolution from the tribal governing body approving the plan.

(B) For a plan submitted by an Indian tribe (as defined in paragraphs (1) and (2) of section 202) involving individual Indian money accounts, where most or all of the account holders are members of the submitting tribe, it is accompanied by a resolution from the tribal governing body approving the plan, along with a certification that the tribe held no fewer than 2 public meetings to provide an opportunity for account holders to comment on the plan.

(C) For a plan submitted by an Indian tribe (as defined in paragraph (3) of section 202), it is accompanied by a written approval signed by each participating account holder, along with a certification that the tribe on whose reservation the trust asset that is the source of the funds is located, has been consulted regarding the plan.

(2) The Secretary determines such plan to be consistent with standards of reasonable prudence, after considering all appropriate factors, including but not limited to the following:

(A) The capability and experience of the individuals or institutions that will be managing the trust funds.

(B) The protection against substantial loss of principal.

(C) The rate of return, provided that the plan need not produce the highest rate of return possible if the Indian tribe chooses to accept a lower rate in return for other benefits such as the benefits from investing in local financial institutions.

(D) The ability of the Secretary to effectively monitor the demonstration, pursuant to the trust responsibility of the United States as specified in section 205.

(3) The duration of the plan does not exceed 5 years.

(b) INVESTMENT IN EQUITIES.—Nothing in this section shall prohibit an Indian tribe submitting a plan for a demonstration under this section from providing in such plan for the investment of its trust funds in equities, if the Secretary determines that such plan meets the standard of reasonable prudence under subsection (a)(2).

SEC. 205. FEDERAL TRUST RESPONSIBILITY.

(a) IN GENERAL.—If an Indian tribe assumes management of trust funds pursuant to a demonstration under this title, the trust responsibility of the United States with respect to such funds shall, for the duration of the demonstration, be limited to the following:

(1) The exercise of reasonable prudence by the Secretary in approving the plan for the demonstration.

(2) An annual audit provided by the Secretary, directly or by contract, to determine

that the tribe is performing in conformance with the plan for the demonstration.

(3) If the Secretary finds, through such audits, that the tribe is not in compliance with the terms of the plan, the Secretary shall—

(A) terminate the demonstration; or

(B) prescribe remedial action to be taken by the tribe to achieve compliance with the plan.

(b) DECREASE IN INTEREST AND LOSS OF PRINCIPAL.—If a plan for a demonstration submitted under this title and approved by the Secretary provides for the implementation of such demonstration by the Secretary, the United States shall not be liable, during the period of such demonstration, for any decrease in interest rate or any loss of principal that is proximately caused by the Secretary's prudent implementation of such demonstration.

(c) AGREEMENT.—Prior to the implementation of any demonstration under this title, the Indian tribe involved shall sign a written statement indicating that it understands and accepts the limitations on the trust responsibility of the United States as provided in this section.

SEC. 206. TECHNICAL AND FINANCIAL ASSISTANCE.

The Secretary shall, directly or by contract, provide Indian tribes with technical and financial assistance in developing, implementing, and managing plans for demonstrations under this title.

SEC. 207. NO INCOME TAX CONSEQUENCES.

Funds managed pursuant to a demonstration program under this title, and distributions made from such funds, shall, for purposes of the Internal Revenue Code of 1986, be treated in the same manner as such funds would be treated if such funds were managed directly by the Secretary, through the Bureau.

SEC. 208. VOLUNTARY WITHDRAWAL FROM TRUST FUND PROGRAM.

(a) IN GENERAL.—An Indian tribe may, in accordance with this section, submit a plan to withdraw some or all funds held in trust for such tribe by the United States and managed by the Secretary through the Bureau.

(b) APPROVAL OF PLAN.—The Secretary shall approve a plan under this section that meets the requirements specified in section 204(a)(1) and subparagraphs (A) and (B) of section 204(a)(2).

(c) TERMINATION OF TRUST RESPONSIBILITY.—Beginning on the date funds are withdrawn pursuant to this section, any trust responsibility of the United States with respect to such funds shall terminate.

SEC. 209. REPORT TO CONGRESS.

The Secretary shall, beginning one year after the date of the enactment of this Act, submit an annual report to the Congress on the implementation of demonstration programs under this title. Such report shall include recommendations for changes necessary to effectively implement the purpose of this title.

TITLE III—RECOGNITION OF TRUST RESPONSIBILITY

SEC. 301. AFFIRMATIVE ACTION REQUIRED.

The first section of the Act of June 24, 1938 (25 U.S.C. 162a), as amended by section 101(a)(2), is amended by adding at the end the following new subsection:

"(e) The Secretary shall properly discharge the trust responsibilities of the United States under this section by—

"(1) providing adequate systems for accounting for and reporting trust fund balances;

"(2) providing adequate controls over receipts and disbursements;

- "(3) providing periodic, timely reconciliations to assure the accuracy of accounts;
- "(4) determining accurate cash balances;
- "(5) preparing and supplying account holders with meaningful periodic statements of their account balances;
- "(6) establishing consistent, written policies and procedures for trust fund management and accounting; and
- "(7) providing adequate staffing, supervision, and training for trust fund management and accounting."

SEC. 302. TRUST RESPONSIBILITY WITH RESPECT TO NATURAL RESOURCES.

The Congress recognizes that the trust responsibility of the United States extends to tribal and individual Indian owners of natural resources located within the boundaries of Indian reservations and trust lands. This includes the fiduciary responsibility to manage funds held in trust by the United States for Indian tribes and individual Indians derived from actions including, but not limited to, the use and sale of leased lands, judgments, mineral leases, oil and gas leases, timber permits and sales, and water resources.

TITLE IV—TRAINING AND PERSONNEL

SEC. 401. TRAINING.

(a) TRAINING PROGRAM.—The Secretary shall establish a program to assist Indians, including, but not limited to, employees of the Bureau and members and employees of Indian tribes, to obtain expertise in the management of trust funds. Components of such program may include the following:

(1) An outreach program to encourage and assist Indians to obtain employment with private financial institutions.

(2) Agreements with financial institutions and other entities under which such entities would provide classroom training, on-the-job training, internships, and employment opportunities not to exceed 2 years, for employees and prospective employees of the Bureau.

(b) RECRUITMENT.—

(1) EMPLOYMENT DESCRIPTIONS.—The Secretary shall ensure that the employment description for any Federal position related to the management of Indian trust funds contains requirements necessary to ensure that a person filling such position would have the necessary skills, based on industry standards, to fully perform the position's responsibilities in a manner consistent with the responsibility of the United States to properly manage Indian trust funds.

(2) PAY.—The Secretary, in consultation with the Office of Personnel Management, shall establish the rate of pay payable for a position related to the management of Indian trust funds at a level of the General Schedule appropriate for such position.

(c) INDIAN PREFERENCE.—Nothing in this title shall authorize or permit any waiver of Indian preference laws as such term is defined in section 2(f)(2) of Public Law 96-135 (25 U.S.C. 472 et seq.).

TITLE V—RESPONSIBILITY TO ACCOUNT FOR INDIAN TRUST FUNDS

SEC. 501. RESPONSIBILITY OF SECRETARY TO ACCOUNT FOR THE DAILY AND ANNUAL BALANCES OF INDIAN TRUST FUNDS.

(a) REQUIREMENT TO ACCOUNT.—The Secretary shall account for the daily and annual balance of all funds held in trust by the United States for the benefit of an Indian tribe or an individual Indian which are deposited or invested pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(b) PERIODIC STATEMENT OF PERFORMANCE.—Not later than 10 business days after

the close of a calendar month, the Secretary shall provide a statement of performance to each Indian tribe and individual with respect to whom funds are deposited or invested pursuant to the Act of June 24, 1938 (25 U.S.C. 162a). The statement, for the period concerned, shall—

- (1) identify the source, type, and status of the funds;
- (2) the beginning balance;
- (3) the earnings and losses; and
- (4) the ending balance.

(c) ANNUAL AUDIT.—The Secretary shall cause to be conducted an annual audit on a fiscal year basis of all funds held in trust by the United States for the benefit of an Indian tribe or an individual Indian which are deposited or invested pursuant to the Act of June 24, 1938 (25 U.S.C. 162a), and shall include a letter relating to the audit in the first statement of performance provided under subsection (b) after the completion of the audit.

(d) EFFECTIVE DATE.—This section shall take effect October 1, 1993, but shall only apply with respect to earnings and losses occurring on or after October 1, 1993, on funds held in trust by the United States for the benefit of an Indian tribe or an individual Indian.

• Mr. MCCAIN. Mr. President, I join my good friend and the distinguished chairman of the Committee on Indian Affairs, Senator INOUE, as an original cosponsor of the Native American Trust Fund Accounting and Management Act of 1993. The Trust Fund Reform Act introduces for discussion several concepts regarding the accounting and management of Indian trust funds that deserve careful review and deliberation by all interested parties.

As the Committee on Indian Affairs examines this bill, we would, of course, benefit from the views of those Indian tribes that have already successfully invested their own trust funds separate from any funds that might be held for them by the Bureau of Indian Affairs [BIA]. It seems to me that since eight tribes account for 77 percent of the tribal trust funds held by BIA, it is very possible that language can be developed which simply authorizes each tribe to divest their funds from the BIA and then select the financial institution which the tribe believes can best serve their investment needs. Not only would this provide peace of mind to those concerned about current BIA trust fund management, but it could provide tribes with important economic leverage in their local community.

Finally, Mr. President, there may be some tribes or individual Indians who will choose to leave their trust funds under the management of the BIA. That is certainly their right as an account holder. Such a decision, however, requires the various affected parties to ask themselves if it is worth spending an unknown amount of funds to reform the current system, or to consider alternative methods for managing Indian trust funds. It is my hope that the committee, tribes, and individual Indians will give serious consideration to

the idea of authorizing the Secretary of the Interior to contract with a private financial institution to perform the necessary investment and management services. This is not a new idea, and I realize the enormous controversy which enveloped such a proposal when it was first offered by the mid-1980's. However, in light of the serious reports characterizing the BIA's mismanagement of Indian trust funds, I believe, it is an idea worth reconsidering. Perhaps the only difference with this proposal—and a very key difference—is that the tribes and individual account holders will be consulted first this time around.

I look forward to working with all interested parties as we seek new ways to provide improved management for these trust funds.●

By Mr. ROBB (for himself, Mr. AKAKA, Mr. DECONCINI, Mr. PRESSLER, and Mr. SHELBY):

S.J. Res. 90. A joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy; to the Committee on Commerce, Science, and Transportation.

AMATEUR RADIO SERVICE JOINT RESOLUTION

• Mr. ROBB. Mr. President, today, I am pleased to be joined by Senators AKAKA, DECONCINI, PRESSLER, and SHELBY to introduce a joint resolution that will grant well-deserved recognition to a valuable national resource, the Amateur Radio Service. For the past 80 years, this group of dedicated volunteers has been first on the scene for virtually every communications emergency. When Mother Nature or a human misstep causes the telephone lines to go down or radio circuits to be overloaded, the ham operators are there with their equipment, providing communications until the regular infrastructure is back to normal.

Radio amateurs also demonstrate their expertise in another way, as technical innovators. Eager to push back technical frontiers, amateurs probe the upper limits of the useful radio spectrum, discover much about radio propagation, and develop practical and affordable alternatives to complicated expensive new equipment from the laboratories.

Our resolution expresses the Nation's gratitude for both the technical and disaster communications achievements of the Amateur Radio Service. But words without deeds, it is often said, are empty. Keeping that in mind, this resolution goes beyond commendation to give the amateurs a tool of persuasion to smooth their path: It urges adoption of rules and regulations that encourage the use of new technologies within the Amateur Radio Service. Finally, without limiting the decision-making capability of any agency—local, State, or Federal—the resolution urges that any regulations which are

necessary at any level of government be crafted in ways that facilitate and encourage amateur radio operation as a public benefit. We urge its prompt adoption by the Senate.●

ADDITIONAL COSPONSORS

S. 155

At the request of Mr. DASCHLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 155, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 226

At the request of Mr. DASCHLE, the name of the Senator from Indiana [Mr. LUGAR] 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. 297

At the request of Mr. STEVENS, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Nebraska [Mr. EXON], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 297, a bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

S. 301

At the request of Mr. DASCHLE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 301, a bill to revive and strengthen the "Super 301" authority of the United States Trade Representative to eliminate unfair trade barriers, and for other purposes.

S. 482

At the request of Mr. BOREN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 649

At the request of Mr. RIEGLE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 649, a bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries.

S. 687

At the request of Mr. THURMOND, his name was added as a cosponsor of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. SHELBY, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of Senate Concurrent Resolution 16, a concurrent resolution expressing the sense of Congress that equitable mental health care benefits must be included in any health care reform legislation passed by Congress.

NOTICE OF HEARING

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 Thursday, May 13, 1993 at 10 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from George Frampton, Jr., nominee to be Assistant Secretary of the Interior for Fish and Wildlife and Parks and Daniel Beard, nominee to be Commissioner of the Bureau of Reclamation, Department of the Interior.

For further information, please contact Rebecca Murphy at (202) 224-7562.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Friday, May 7, 1993, at 10 a.m. to conduct a hearing on the nomination of Frank Newman, of California, to be Under Secretary of the Treasury for Domestic Finance.

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

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. PRESIDENT, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Friday, May 7, 1993, at 9:30 a.m., in open session, to receive testimony from Members of the Senate on the service of gay men and lesbians in the Armed Forces.

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

SUBCOMMITTEE ON MEDICARE AND LONG-TERM CARE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Medicare and Long-Term Care of the Committee on Finance be permitted to meet on May 7, 1993 at 10 a.m., to hear testimony on antitrust issues in the health care industry.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on

Foreign Relations be authorized to meet during the session of the Senate on Friday, May 7 at 10:30 a.m. to hold nomination hearings for State Department posts.

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

ADDITIONAL STATEMENTS

TRIBUTE TO GOLDEN BELL AWARD WINNER MOUNTAIN VISTA SCHOOL

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to the winner of the Arizona School Board Association's 1993 Golden Bell Award for the best school project in the kindergarten to eighth grade category. Mountain Vista School, in the Oracle School District, established the Computer Class Tutor Program for special education students. This program was identified as one of the most innovative and successful programs in the State of Arizona.

Under this program, junior high special education students act as tutors for elementary school students in computer classes. By identifying at-risk special education students and giving them the opportunity to serve in a leadership role, the program builds self-esteem and interest in education. At the same time, the elementary students benefit from the individual attention and the teachers receive much needed assistance.

Mr. President, I commend the efforts of the teachers and administrators at Mountain Vista not only for striving to improve the quality of education, but also for making education both interesting and fun. Their efforts have instilled in the students a love of learning that they will carry with them through the rest of their academic careers. The Computer Class Tutor Program serves as a model for the Nation's educators, a shining example of the success possible in our education system. I ask my colleagues to join me in congratulating Mountain Vista School on this outstanding achievement.●

RECOGNITION OF NANCY STRAHL AS NATIONAL OUTSTANDING SCHOOL VOLUNTEER

● Mr. HATFIELD. Mr. President, I recently had the pleasure of meeting Nancy Strahl, a parent volunteer in the public schools of Medford, OR. She was here in Washington to be recognized by the National Association of Partners in Education as the National Outstanding School Volunteer at the adult-elementary level.

Mrs. Strahl has introduced family math and family science programs into her district, bringing them to 13 public and 2 private schools. These programs bring parents with their children into the schools for evening discovery ac-

tivities. With the help of teachers working on their own time, the program has grown to where it will serve 4,000 people this year, and that is only one-third of those who wish to participate.

By encouraging the cooperation of parents in their children's reading, circulation at Hoover Elementary School's library jumped 50 percent. Cumulatively, the school's 500 children and their parents read more than 1 million pages in 7 weeks.

As if this were not enough, Mrs. Strahl gathered materials donated by local businesses and rallied community volunteers to construct a \$200,000 play structure at no cost to her school.

Mr. President, Mrs. Strahl's successes dramatize not only the difference a dedicated individual can make, but in each case show the importance of parental participation in their children's education.

I ask that two articles honoring Mrs. Strahl be placed in the RECORD in recognition not only of her own efforts, but of the work of thousands of dedicated volunteers across this land.

The articles follow:

FAMILY MATH

Children *** Parents *** Math. These three elements have become a winning combination through a program called "Family Math." Family Math is a concept that brings parents and students together in the school setting to work on challenging, hands-on, and fun math activities.

Research has shown that parental involvement in schools is critical to student academic success, and Family Math allows parents to become partners in their children's education.

Family Math helps students overcome their fear and intimidation when confronting math, and has been shown to boost achievement levels of students in math, particularly for girls and minorities.

Two 549C parents, Nancy Strahl and Becky Plankenhorn, and two 549C elementary teachers, Maxine Brown and Pat Eder, first took training to lead Family Math sessions in the Medford School District in 1989. They offered Family Math Nights at Griffin Creek and Hoover Elementary Schools.

Because of the enthusiastic response, both in attendance and feedback, the program has expanded. Last spring two teachers and two parents from every elementary school in District 549C and two private schools—Grace Christian and Sacred Heart—were trained to lead Family Math sessions throughout the district.

The average attendance at a Family Math evening is 150 participants (75 students and 75 adults). It is projected that approximately 4000 people will attend Family Math sessions this year.

Parents can look for additional Family Math information in their local school newsletters.

NANCY STRAHL

Citizen of the Month Nancy Strahl has two children in Hoover Elementary School. Nancy has been active in Hoover School projects and community-wide projects as well. When Nancy was chair of the Hoover PTO in 1990-91, she coordinated all aspects of a \$32,000 play structure, built with cash contributions and volunteer labor.

Nancy was the instigator of setting the ambitious goal of reading one million pages by students and families of Hoover in 1991-92. She organized the project, arranged incentives, and tabulated results. She also managed the "Math Sundaes" program at Hoover, in which students get rewarded as they meet certain goals on timed math tests.

Probably her most significant volunteer accomplishment has been the coordination of the Bear Creek Community Playground Project. Nancy organized and coordinated all aspects of the construction of the 16,000 square-foot, \$150,000 play structure in 1987-88. It is now teeming with as many as 1,000 children and parents daily.

Nancy recently became a media assistant at Kennedy Elementary.

Because of her significant accomplishments, Nancy Strahl has also been nominated for the 1993 Outstanding School Volunteer Award.

Last spring she was appointed to the Oregon Department of Education's Talented and Gifted Parent Advisory Committee. Nancy has also been asked to make presentations at several state conferences on the Family Math and Family Science programs.●

TRIBUTE TO GOLDEN BELL AWARD WINNER NOGALES HIGH SCHOOL

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to the winner of the Arizona School Board Association's 1993 Golden Bell Award for the best school project in the 9th to 12th grade category. Nogales High School, in the Nogales Unified School District, established a student-run agricultural program. This program was identified as the most innovative and successful program for high school students in the State of Arizona.

Under this program, students worked in teams on various agricultural programs, from a demonstration garden to reforestation of urban areas in Santa Cruz County. Through their efforts, the students learned the importance of environmental awareness and the benefits of cooperation and community spirit. These young volunteers can take pride in their accomplishments, having made their community a more beautiful place to live.

Mr. President, I commend the efforts of the teachers and administrators at Nogales High School not only for striving to improve the quality of education, but also for making education both interesting and fun. Their efforts have instilled in the students a love of learning that they will carry with them through the rest of their academic careers. The Nogales High agricultural programs serves as a model for the Nation's educators, a shining example of the success possible in our education system. I ask my colleagues to join me in congratulating Nogales High School on this outstanding achievement.●

IF I WERE PRESIDENT

● Mr. WELLSTONE. Mr. President, I would like to bring my colleagues' at-

tention to an inspirational message written by one of my young constituents.

Elly Hausmann from St. Cloud, MN, has written a thoughtful essay entitled, "If I Were President."

I ask that her poem be printed in the RECORD:

The poem follows:

IF I WERE PRESIDENT

If I were President you see,
There would be no wars to hurt you and me.
I would say no testing perfume on pets,
And a little more benefit for Vietnam Vets.
If I were President I really would,
Care for the earth like everyone should.
I would help little kids who are sad and blue,
I would help little kids with handicaps, too.
If I were President I would try to be fair,
And I would try to get under everyone's hair.
Anyone with a serious crime
Would go to jail and serve serious time.
If I were President and all else fails,
I would tell everyone to save the whales!!!
I would try to make it equal for people black
and white,
And try to stop anyone who put up a fight.
If I were President I would stress
No drinking, smoking, and all the rest (for
minors)
If you were a parent you couldn't just come,
And take your kid away from everyone.
If I were President you could bet
There would be no famine, war, or regret.
I would make special places for special
people who,
Need special people like me and you.●

TRIBUTE TO GOLDEN BELL AWARD WINNER, PENDERGAST ELEMENTARY SCHOOL

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to the winner of the Arizona School Board Association's 1993 Golden Bell Award for the best school project in the sixth to eighth grade category. Pendergast Elementary School established the National History Day Program to encourage creative exploration of historical subjects. This program was identified as the most innovative and successful program for older elementary students in the State of Arizona.

Under this program, students investigate a topic associated with the National History Day theme for the year. They use their research to create an entertaining performance related to the subject. This program helps students to see history as a living entity rather than just words in a book. By making historical studies fun, it fosters an understanding of the human dynamics that created our past and encourages further exploration of the social sciences.

Mr. President, I commend the efforts of the teachers and administrators at Pendergast Elementary not only for striving to improve the quality of education, but also for making education both interesting and fun. Their efforts have instilled in the students a love of learning that they will carry with them through the rest of their academic careers. The National History

Day Program serves as a model for the Nation's educators, a shining example of the success possible in our education system. I ask my colleagues to join me in congratulating Pendergast Elementary School on this outstanding achievement.●

TRIBUTE TO GOLDEN BELL
AWARD WINNER ST. JOHN'S MID-
DLE SCHOOL

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to the Arizona School Board Association's Golden Bell Award winner for the best school project in the seventh to eighth grade category. St. John's Middle School converted their wood shop to a technology laboratory without using an expensive commercial technology package. This program was identified as the most innovative and successful program among middle schools in the State of Arizona.

St. John's wanted to convert their traditional wood shop to a technology lab but lacked the funds to purchase a ready-made conversion package. The commercial package, which provided the necessary hardware, software, furniture, and curriculum materials for the lab, was priced three times higher than the amount allocated for the conversion. The instructors felt that the conversion was too important to be hampered by budgetary constraints and set out to construct the lab from scratch using components similar to the commercial package. The instructors built all of the necessary furniture and developed the curriculum to be used in the lab.

As a result of their hard work and ingenuity, the students now have a high-technology laboratory for study in the areas of communication, transportation, construction, and manufacturing.

Mr. President, I commend St. John's Middle School for its efforts to provide high quality education without a high cost to the taxpayers. The instructors and administrators have set an example for the Nation, proving that budgetary restraint does not mean that we must sacrifice the high standards of American education. I ask that my colleagues join me in congratulating St. John's Middle School for these outstanding efforts.●

TRIBUTE TO KAREN BUTTERFIELD
ARIZONA TEACHER OF THE YEAR

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to Karen Butterfield, who was recently named the 1993 Teacher of the Year by the Arizona School Board Association. Karen is an art teacher at Coconino High School in the Flagstaff Unified School District. She was selected by her colleagues for this highly competitive award not only for her excellence in

the classroom, but also for her caring attitude and her commitment to helping each student reach his or her full potential.

To her students, Karen is more than just an art teacher. She is a mentor, a role model, and a friend to everyone who enters her classroom. Her students often come to her outside of class time to ask her for help, seek her advice, or just to spend time with her. She has proven that concern for individual students is the best way to help them learn.

Mr. President, with the problems faced by our schools on a daily basis, Karen Butterfield represents our educational system's greatest asset. She is a caring, talented professional who places the needs of her students above all other considerations. She fully deserves the title "Teacher of the Year." I am honored to ask my colleagues to join me in congratulating Karen for this award.●

TRIBUTE TO GOLDEN BELL
AWARD WINNER CHALLENGER
ELEMENTARY SCHOOL

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to the winner of the Arizona School Board Association's 1993 Golden Bell Award for the best school project in the kindergarten to sixth grade category. Challenger Elementary School, in the Nogales Unified School District, established the Check-Out Program that encourages students to learn outside of the classroom. This program was identified as the most innovative and successful program for elementary students in this age category in the State of Arizona.

The Check-Out Program allowed students to take home stuffed animals, activity backpacks filled with books, and learning materials appropriate to the age level. A younger student would check out a stuffed dog, along with food and toys to care for the pet. One of the requirements of caring for the stuffed dog was to read to him. The students would also record everything they did with the dog, including what they read together, and share their experiences with their classmates. Older students would check out backpacks with a theme, such as magic. Along with books about magic, the backpack would contain props to do magic tricks. The backpacks not only show the students that reading is an adventure, but they also encourage reading in the home, allowing the entire family to become involved in promoting literacy.

Mr. President, I commend the efforts of the teachers and administrators at Challenger Elementary not only for striving to improve the quality of education, but also for making education both interesting and fun. Their efforts have instilled in the students a love of learning that they will carry with

them through the rest of their academic careers. The Check-Out Program serves as a model for the Nation's educators, a shining example of the success possible in our education system. I ask my colleagues to join me in congratulating Challenger Elementary School on this outstanding achievement.●

TRIBUTE TO GOLDEN BELL
AWARD WINNER ANNE MARIE
JACOBSON ELEMENTARY SCHOOL

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to the winner of the Arizona School Board Association's 1993 Golden Bell Award for the best school project in the prekindergarten-to-third-grade category. Anne Marie Jacobson Elementary School, in the Chandler Unified School District, established a garden for first grade students to plant, maintain, and harvest. This project was identified as the most innovative and successful program for younger elementary students in the State of Arizona.

The garden provides the opportunity for students to work cooperatively in a hands-on environment. In addition to the specific skills and knowledge acquired from working in the garden, the students used their experience as a springboard for other classroom activities. The garden served as a backdrop for studies in math, health, and social studies.

Mr. President, I commend the efforts of the teachers and administrators at Anne Marie Jacobson Elementary not only for striving to improve the quality of education, but also for making education both interesting and fun. Their efforts have instilled in the students a love of learning that they will carry with them through the rest of their academic careers. The garden project serves as a model for the Nation's educators, a shining example of the success possible in our education system. I ask my colleagues to join me in congratulating Anne Marie Jacobson Elementary School on this outstanding achievement.●

TRIBUTE TO GOLDEN BELL
AWARD WINNER LAGUNA ELE-
MENTARY SCHOOL

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to the winner of the Arizona School Board Association's 1993 Golden Bell Award for the best school project in the fourth to sixth grade category. Laguna Elementary School, in the Flowing Wells Unified School District, established the Laguna Partners Club to encourage service and self-esteem. This program was identified as the most innovative and successful program for elementary students in this age category in the State of Arizona.

The Partners Club Program gives fifth grade students the opportunity to

coach special education students in athletic events. The students are able to build special relationships with one another, thereby fostering both self-esteem and a sense of shared accomplishment. The program allows the coaches and athletes to learn at an early age the benefits of dedication, cooperation, and mutual respect.

Mr. President, I commend the efforts of the teachers and administrators at Laguna Elementary not only for striving to improve the quality of education, but also for making education both interesting and fun. Their efforts have instilled in the students an appreciation of their own humanity that they will carry with them for the rest of their lives. The Laguna Partners Club serves as a model for the Nation's educators, a shining example of the success possible in our education system. I ask my colleagues to join me in congratulating Laguna Elementary School on this outstanding achievement. ●

CONCLUSION OF MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that morning business be closed.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. 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.

NATIONAL VOTER REGISTRATION ACT OF 1993—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. MITCHELL. Mr. President, and Members of the Senate, I am deeply concerned and saddened that the Senate is once again being subjected to a Republican filibuster. I will address that subject at some detail in a moment and set forth the startling statistics on the extraordinary use—many suggest abuse—of the filibuster, but before I do that, I would like to address briefly another subject on which the President took important action this morning.

CAMPAIGN FINANCE LAWS

Mr. MITCHELL. Mr. President, American political campaigns are too long and too expensive. Money plays too large a role.

This morning President Clinton announced legislation to change that. His action represents a truly historic turning point in the long struggle to reform the Federal election finance laws.

Thanks to the strong leadership of President Clinton, we finally have a plan supported by both the executive and legislative branches of Government to clean up the election finance system. This is the most comprehensive reform of our campaign finance laws in history, and I believe that we have the best chance ever to enact it into law. It is what the American people want. It is what they demand of their Government.

The legislation proposed this morning by President Clinton will distance special interests from the political process, reduce the role of money so that Government better serves the national interest rather than special interests, make Federal elections more competitive by capping campaign spending, and by giving challengers the resources to better communicate with the electorate.

This will be achieved through spending caps on congressional campaigns, tight restrictions on political action committees, prohibitions on the use of so-called soft money and bundling to affect Federal elections, tough new provisions to prevent lobbyists from making or soliciting campaign contributions to the Federal officeholders they lobby, and voter communication vouchers to enable candidates to communicate to the electorate.

This legislation has the broad support of the American people and of public interest groups committed to reforming the election finance system. There are cynics who question our motivation who cannot believe that incumbents would propose legislation to make election contests more fair. But what the cynics ignore is the effect the current system has on our Government. The American people no longer have confidence in the political process.

They believe powerful special interests control the political system and prevent Government from serving the people. We must and we can change that.

Last year, strong campaign finance reform legislation was approved by the Congress. Unfortunately, it was vetoed by President Bush.

This year, we have a President committed to reform who will work with Congress to achieve it. As a result of President Clinton's leadership, the legislation to be proposed this year is even tougher than last year's bill.

I commend the President for his commitment to reform and I pledge to work with all of my colleagues—Democrats and Republicans alike—to enact this important reform measure into law.

Mr. President, we will not enact that into law and we will not enact any-

thing else into law if the Republicans continue on their unfortunate and unprecedented pattern of filibuster.

The Senate rule with respect to filibusters went into effect in 1919. For more than a half century after that, into the 1970's, filibusters occurred here in the U.S. Senate less than once a year, on average. In some Congresses, an entire 2-year period was passed without a single Senate filibuster.

The filibuster was not used as a political party device. It was used on matters which, by common consent, were of grave national importance. That has now changed in the U.S. Senate.

In the last Congress, there were 48 motions to terminate filibusters filed.

Let me repeat that. I ask all Senators and I ask the American people to listen to and consider the implications of what I am saying.

For 50 years, filibusters occurred in the Senate less than once a year, on average. In the last Congress, there were 48 motions to try to end filibusters, almost every single one—almost every one—a filibuster by Republican Senators to delay action, to obstruct action, to prevent action.

That unfortunate pattern is continuing into this Congress. Bill after bill, action after action, supported by the American people and supported by a majority of the Senate, encounters a Republican filibuster.

Now we have it again today—another week, another Republican filibuster—this time on legislation to make it easier for Americans to register to vote; legislation which American people overwhelmingly support; legislation which has already passed the Senate once; legislation which has passed the House of Representatives twice; and legislation which is now here for final action. And, despite that, we encounter another Republican filibuster.

Mr. President, I hope that, come next Tuesday, when we vote on this, we will be able to get the votes necessary to end this latest filibuster. I know it will not be the last filibuster, because I am sure the week after we will have another filibuster.

It has become Senate filibuster. When the American people think of the Senate now, the first thing they think of is the filibuster, because it has become such a common tactic use on almost every major bill that we try to consider. It is unfortunate. It is regrettable. It prevents the will of the majority from taking place.

Mr. President, the rules are there for everyone to use. I expect that almost every Member of the Senate has at one time or another used the rules to delay action. That is not the issue here.

The question is not when it is used occasionally, but when it is used as a part of a deliberate pattern, an unmistakable pattern, an unmistakable record of filibuster after filibuster after filibuster after filibuster. It is not

anymore reserved for issues of great national importance. It is not anymore limited to those matters which do not have anything to do with one party or the other, but, by consensus, affect grave national issues. It is virtually every major bill.

I repeat: From an average of less than 1 filibuster a year for more than a half century to 48 in the last Congress. It is regrettable. I hope it stops. And I hope it stops beginning on Tuesday when we try to get a vote on this bill.

I want to emphasize that a majority favors this bill. The Senate already passed it once. The House has passed it twice. The American people favor it.

Those who oppose the bill have a perfect right to do so. But I hope that enough Senators will join to permit the Senate to proceed on this important measure so that we can move forward, we can pass this important legislation, and we can move on to other legislation.

Mr. President, I see the presence of the Republican leader here, and I will yield the floor now and come back later to close.

The PRESIDING OFFICER. The Republican leader is now recognized.

THE DIFFERENCE IN THE MINORITY

Mr. DOLE. Mr. President, I will just take 1 minute. I listened to the majority leader with interest. I want to point out one fundamental difference when you are in the majority and when you are in the minority. When you are in the majority you do not have to worry about filibusters. You do not bring it up. You just do not bring it up. It never sees the light of day.

I am reminded of President Bush's economic package, particularly the capital gains rate reduction, which never got a vote. Even though the majority of Senators wanted a vote, it did not get a vote. Why? Well, because we are in the minority. So I do not shed many crocodile tears when we hear talk about trying to preserve our rights as a member of the minority.

And, as the distinguished majority leader said on the 18th of February 1992:

Do we live in a monarchy? Is a President a President? Or is he a king? Are we required by some law to accept whatever the President proposes without any opportunity of discussion, debate or suggestion of constructive alternatives? And if we so disagree with some aspect of the President's plan, if we believe it to be truly and sincerely harmful to the long-range interests of the country, are we somehow obligated to stand silent and adopt the President's plan lest we be accused of partisanship?

That statement was made by my friend, the majority leader. I have made similar statements myself when I was the majority leader. Not as eloquent, not as good as this statement, but I tried the best I could to impress

upon my colleagues there were certain differences in the majority and the minority.

If we had the majority we would not have to filibuster. And, filibuster—you know, the last accusation, I guess, of the stimulus package was, as I recall there were about 36 hours of debate. The Democrats used 24, the Republicans used 12. So, if a filibuster is based on who used the most time, it certainly was not the Republicans.

But it is very fundamental, obviously, that we have one way to stop legislation or to bring about change if we are going to be participants in the U.S. Senate on this side of the aisle. I do not fault my colleagues on the other side of the aisle. I assume we would be making the same arguments if we had the majority, and they would be making the same arguments if they were in the minority.

But we do not want to give up that right. It is not going to be used as a standard Senate procedure, I can assure the majority leader. But there are—there will be differences.

Campaign finance reform is one I think may be different. I do not know. Maybe we can work out some differences. Heavens knows the majority leader and I tried. We appointed outside people to come in and take a look at it. They gave us some recommendations, but I must say campaign finance reform is different than any other legislation because it affects everybody in this Chamber. And everyone in this Chamber on both sides of the aisle has a way to make certain it is not going to have any adverse impact on their next race, whatever it may be.

It just happens when the Democrats are in the majority, they want to come up with a plan that helps Democrats—not helps Republicans. If we were in the majority, I have to believe we would feel the same way. Give us a plan that helps us stay in power, keeps us in the majority. That is the kind of campaign finance reform we want.

Well, that is fine. That is the way the system works. But we do not have to agree to that. We do not have to agree. We do not have to furnish the rope. If somebody wants to hang me, I want them to buy their own rope. In this case we are not about to furnish the rope to our colleagues on the other side so we can have a little political hanging out here and assure we will never have a chance to get back into the majority.

Campaign reform ought to be done. It is going to take some outside—I do not know how we do it. It is like pay raises. How do we have it? How do we do it? How do we make it fair? Because we want to protect things that help us. The Democrats obviously want to protect things that help them. And the American people are the ones who—I do not say suffer, because they do not have to contribute—but the ones who want us to bring about change.

So, we have not given up on trying to get a campaign finance reform bill. We would hope we would find a bill that we could support. But we are told now the Democrats' new proposal, the President's, is you have one set of rules for the House, one set of rules for the Senate. I thought we were all in the same Congress. I look across and see the House, way down there. I did not know they had different rules on PAC's, political action committees; we had one set of rules, they had a different set of the rules.

So, everybody wants to retain the things that they want. And, let us ban all PAC's or limit PAC's to \$1,000; let us ban all soft money; let us ban franking by Members in the House and the Senate, mailing out tons of mail, newsletters, meeting notices, 1 year before the election. Ban all that and you save real money. They are all self-serving things that are done.

So I would just suggest we are prepared to move forward. We are prepared to be in the majority. Then my friend would not have to worry about a filibuster. But then he would be making my speeches and I would be making his speeches. And we would still be having difficulty.

But the Senate rules do protect the minority. It just happens right now it is a political minority, partisan minority. They happen to be Republicans. Before this year is out—or last year, on ANWR, it was sort of a liberal minority that did not want to bring up ANWR and they are the ones who filibustered. It could be a geographic minority—maybe 41 Democrats and Republicans from a certain part of the country thinking they might be not getting the best deal. So it is not always a partisan minority, in this case Republicans, who are frustrating the will of the Senate.

Certainly we must get our work done. I think we will. But sometimes getting your work done means killing a piece of legislation and moving on to something else.

With reference to motor-voter, I assume that it will pass. I do not believe we have the votes on that particular bill. But if we did have, we should exercise them because nobody wants the bill. The Governors do not want it, the mayors do not want it, the counties do not want it, the taxpayers do not want it. It is an unfunded mandate. We do not pay for it. We just say here is another \$200 million, charge it to somebody and, hopefully, it will be paid for somewhere down the road.

So I just suggest we are prepared, as always, to cooperate to the fullest. But not if it means we have to vote on something that is fundamentally different from our point of view, or second, if it is something—unless campaign finance can be modified. Maybe it can.

I know the distinguished Senator from Oklahoma is meeting with some

of our colleagues to try to find some middle ground. If that can be done then obviously there would be no effort to filibuster that. But, there may be other things before the year is out. We are trying to accommodate the request of the majority leader. We know the frustration. We are going to try to proceed to every bill as quickly as we can without the need of filing cloture, if we can do that.

But in the meantime I leave here knowing of the outstanding statement the distinguished majority leader made on February 18, 1992.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I took some heart from some of the comments of the Republican leader. I wonder if it is going to be necessary for me now to file this cloture motion on this latest filibuster.

Mr. DOLE. Go ahead. You better do it.

Mr. MITCHELL. He advises me I better do it, so I guess the filibuster does continue.

It is therefore necessary, Mr. President, that I again resort to the filing of cloture motions to end the filibuster.

THE NATIONAL VOTER REGISTRATION ACT—CONFERENCE REPORT

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk on the conference report accompanying H.R. 2, the National Voter Registration Act of 1993.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany H.R. 2, the National Voter Registration Procedures bill:

George Mitchell, Joseph Lieberman, Paul Simon, Barbara Boxer, Max Baucus, Carl Levin, Harris Wofford, Frank R. Lautenberg, Harry Reid, John F. Kerry, Harlan Mathews, Wendell Ford, Patty Murray, Byron L. Dorgan, Russell D. Feingold, Herb Kohl, Carol Moseley-Braun, Paul Wellstone.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture vote occur at 3 p.m. on Tuesday, May 11, and that the mandatory live quorum that is required under rule XXII be waived with respect to this cloture motion.

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

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send to the desk a second cloture mo-

tion on the conference report accompanying H.R. 2, the National Voter Registration Procedures Act of 1993.

The PRESIDING OFFICER. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany H.R. 2, the National Voter Registration Procedures bill:

George Mitchell, Joseph Lieberman, Paul Simon, Barbara Boxer, Max Baucus, Carl Levin, Harris Wofford, Frank R. Lautenberg, Harry Reid, John F. Kerry, Harlan Mathews, Wendell Ford, Patty Murray, Byron L. Dorgan, Russell D. Feingold, Herb Kohl, Carol Moseley-Braun, Paul Wellstone.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on the second cloture motion occur on Wednesday, May 12, at a time to be determined by the majority leader, following consultation with the Republican leader, and that the mandatory quorum, as required under rule XXII, be waived with respect to this cloture motion.

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

Mr. MITCHELL. 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.

CAMPAIGN FINANCE REFORM

Mr. MITCHELL. Mr. President, I wish to express myself on the subject of campaign finance reform, particularly with respect to some of the comments made by my friend and colleague, the distinguished Republican leader, earlier about reasons why Republican Senators are going to filibuster that bill, if, in fact, that is their intention. First, I hope it is not.

As I said earlier, we have had far too many filibusters in the Senate. It has become a common tactic, almost a weekly occurrence, something that throughout most of American history rarely occurred, was not used as a party tactic, but rather was reserved for major issues of great national importance.

But with respect to campaign finance reform, one of the arguments that has been made was made here earlier today, and has been made before, is that a reason to oppose this bill is that it treats the House and the Senate differently, and therefore it should be opposed.

I have never understood that argument. I do not understand it today. The House and Senate are different institutions. They operate under different rules. No one of our colleagues suggests that we have the same rules in the House and Senate. In fact, as we all know, the House cannot filibuster.

Would our colleagues support saying that in the Senate we ought to have the same rules of the House and not be able to filibuster? The House and Senate govern their bodies in completely different ways. In the House, there is a Speaker who does not vote on legislation. There is no comparable position in the Senate. Do the colleagues wish to appoint a Speaker of the Senate or rule the Speaker from the House? Of course we cannot do that. It is in the Constitution. The ethics procedures in the House and Senate are different. The whole method by which House Members vote is different from that in the Senate. Virtually every aspect of the operations of the House and Senate are different. And yet we are told that if these campaign finance regulations differ in any respect, they ought to be opposed for that reason only.

I submit that the argument is inconsistent with reality and ought to carry no weight. In any event, the legislation does contain rules that are identical for both parties, except in two respects. The first and most important one is that the spending limit is different for House and Senate races. How could anyone suggest that the spending limits ought to be the same? A House Member represents somewhere between 500,000 and 700,000 people. Senators represent the entire population of the State, no matter what the size. In California, that is now some 29 million people.

It seems to me completely illogical to suggest that the spending limits should be the same in House races and Senate races.

The only other area of difference is in the maximum amount of PAC contributions. The House bill provides for the current level of \$5,000 per PAC. The Senator would reduce that to half, about \$2,500. It reflects the differences in fundraising capacities of the Members of both bodies, Senator having access to more people within a State and more people outside the State, which House Members do not have.

Therefore, Mr. President, I think the argument really is not well taken and ought to be rejected as a serious reason for objecting to the President's plan.

The President's plan is fair; it is dramatic; it contains provisions never before included in such legislation and will, if adopted, as I hope it will be, profoundly change the method of electing Members of Congress in the United States. It will reduce the amount of money spent by a significant amount, in time; it will reduce the role of money in the process; it will reduce the

amount of money given by and the role of political action committees in the process; it will, in effect, give democracy back to the American people.

If we pass the bills and the voter registration bill, which is not the subject of the immediate Republican filibuster, we will make it easier for Americans to register and vote, and make their vote and participation count for more in the political process. It is, to me, incredible and unexplainable that our Republican colleagues would not only oppose such measures trying to make it easier for Americans to register to vote, trying to make their vote count for more in the process, and not just to oppose it, but to filibuster the bill so we cannot even vote on it. Even though a clear majority of the Members of the Senate favor the bills and indeed have already voted for them, even though a clear majority of the American people favor the bills, even though the President favors the bills, even though the House of Representatives has passed the bills, a minority of Senators is preventing the Senate from even voting on the bills.

That is regrettable, but it is permitted under the rules. I think the only place where there can be accountability is the one place where accountability matters in the democratic process, and that is at the time of election.

So, Mr. President, I am going to now conclude today's session by repeating something I said earlier because, frankly, I find it so striking that I think it deserves response and deserves the attention of the American people; that is, how the filibuster is being used in the U.S. Senate now.

I want to repeat what I said earlier. The rules permit it, and every Senator who has been here for more than a few months has probably, at one time or another, on rare occasion, participated in the use of the rules in that way. That is what was intended when the rule was created: On some issues, on rare occasions, the rules would be utilized.

In the 52 years following adoption of the current provisions in the rules, more than a half century, until the 1970's, in this Senate Chamber, on average, there was fewer than one filibuster a year—less than one a year, on average. And sometimes, for an entire Congress of 2 years, there was not even a single filibuster. It was understood and accepted by common consent that the filibuster was not a party tactic and was to be used only on matters of grave national significance.

That has now changed. It has become a regular tactic of Republicans in the Senate. In the last Congress, in the 2-year period of that Congress, we had to file motions to break filibusters 48 times—48 times. Almost every one of them—well, not quite every one; I want to be fair and accurate—but almost every one was because of Republican filibusters to delay, obstruct, and prevent action on legislation.

And now we are seeing it again. That pattern, that tactic, is continuing into this Congress, as every major bill we try to bring up is subject to a filibuster. We just had one on the jobs bill. Now we face another one on the voter registration bill. And we are told we face another one coming up on the campaign finance reform bill.

If there is a major bill, you name it, our Republican colleagues filibuster it. I regret that. It is unfortunate. It is a fact of life with which we must deal, but it is something the American people ought to know about.

This is not new. It did not begin last week or last month. I repeat: In the last Congress, there were motions filed to end filibusters 48 times. So we have now reached the stage where we say, well, another week in the U.S. Senate, another filibuster.

We hope that will change. But it will only change if the American people make it change, as with all things in our representative democracy.

ORDERS FOR TUESDAY, MAY 11, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Tuesday, May 11; that following the prayer, the Journal of proceedings be approved to date; that following the time for the two leaders, there then be a period for morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the first hour of morning business under the control of Senator BYRD, with Senator GRAMM of Texas, and Senator MURKOWSKI recognized thereafter for up to 10 minutes each; that at 11:30 a.m., the Senate then resume consideration of the conference report accompanying H.R. 2, the National Voter Registration Procedures Act, with the time from 11:30 to 12:30 p.m. and the time between 2:15 p.m. and 3 p.m. for debate on the conference report accompanying H.R. 2, with the time equally

divided and controlled between Senators FORD and MCCONNELL, or their designees; that on Tuesday, May 11, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences.

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

RECESS UNTIL MAY 11, 1993, AT 10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 2:37 p.m., recessed until Tuesday, May 11, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 7, 1993:

DEPARTMENT OF JUSTICE

PHILIP BENJAMIN HEYMANN, OF MASSACHUSETTS, TO BE DEPUTY ATTORNEY GENERAL, VICE GEORGE J. TERWILLIGER III, RESIGNED.

DEPARTMENT OF COMMERCE

DOUGLAS KENT HALL, OF KENTUCKY, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE JENNIFER JOY WILSON, RESIGNED.

U.S. INFORMATION AGENCY

JOSEPH D. DUFFEY, OF WEST VIRGINIA, TO BE DIRECTOR OF THE U.S. INFORMATION AGENCY, VICE HENRY E. CATTO, RESIGNED.

DEPARTMENT OF LABOR

KAREN BETH NUSSBAUM, OF OHIO, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR, VICE ELSIE V. VARTANIAN, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate May 7, 1993:

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

J. BRIAN ATWOOD, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

PAMELA HARRIMAN, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FRANCE.

AFRICAN DEVELOPMENT FOUNDATION

GEORGE EDWARD MOOSE, AN ASSISTANT SECRETARY OF STATE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 27, 1997.

SMALL BUSINESS ADMINISTRATION

ERSKINE B. BOWLES, OF NORTH CAROLINA, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.