SENATE—*Tuesday, May 25, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

PRAYER

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

Let us pray:

*By faith Moses * * * Choosing rather to suffer affliction with the people of God, than to enjoy the pleasures of sin for a season * * * forsook Egypt * * *.*—Hebrews 11:24, 25, 27.

God of Abraham, Isaac and Israel, Moses and the prophets, Jesus and the apostles, God of our fathers—personal sacrifice is inherent in great leadership. At the heart of the Torah is sacrifice—Passover and Atonement. At the heart of the Gospels is the cross. Moses forsook the power, privilege, and pleasure of Egypt's royal family and spent 40 years in the wilderness preparing to save his people from bondage. Jesus "humbled himself and became obedient unto death," that He might save His people from their sin.

God of perfect love, at this time of unprecedented economical, political, and moral crisis, great leadership is demanded. Save us from those whose self-interest dominates their lives. Give us leaders who are prepared to sacrifice personal ambition for the sake of the Nation; who refuse to seek great things for themselves for the sake of the people. Expose to themselves those whose rhetoric has no connection with intention or commitment.

We pray in the name of Jesus who refused to save Himself that He might save His people. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 25, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATTY MURRAY, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY 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.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes.

Mr. DORGAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. I thank the Chair.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 1015 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Madam President, I yield the floor.

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

Mr. COHEN. I thank the Chair.

(The remarks of Mr. COHEN pertaining to the introduction of S. 1016 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COHEN. Madam President, I will not take the time, given the limited time we have this morning for morning business, but I will simply call the attention of my colleagues to the introduction of legislation and seek their cosponsorship.

I now yield the floor.

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

KURDS

Mr. REID. Madam President, one of the things I remember well during my time here in the Senate is the debate that took place on this floor regarding President Bush's authority to allow American troops to go and thwart the efforts of Saddam Hussein. It was truly a proud moment of this body and our country.

We halted the aggression of a modern-day Stalin or Adolf Hitler. The problem is we cannot rest on our laurels with regard to Saddam Hussein.

I read in the New York Times yesterday—and I have heard numerous accounts—that Saddam Hussein is planning to attack the Kurds again in northern Iraq. Such an assault can begin as early as next week. We cannot let this happen.

A year ago, the Kurds held a democratic election. One of the people there to count the votes to make sure the vote was conducted fairly and properly was a former Governor of Nevada, Michael O'Callaghan.

I looked at the photographs he took while he was there. I have listened to him recount the stories of his days in the Kurdish areas of Iraq, where people on election day lined up for blocks and blocks, in spite of the threats from Saddam Hussein. They were willing to take a chance and vote, and they did; they now have a democratically elected government.

The United Nations, though, is planning to remove its minuscule peacekeeping force from northern Iraq, and they are planning to do it very soon. What kind of a message does this send to the madman, Saddam Hussein?

I believe, Madam President, that President Clinton and Secretary Christopher should instruct our Ambassador to the United Nations to encourage an increase in the forces, not tell them to leave. We must let Saddam Hussein know we are serious. We must let him know that he cannot get away with murder, as he has most of his adult life.

The United States has already made, as I have indicated, a large investment in this area. We have sacrificed American lives, equipment, and significant amounts of money.

If Saddam Hussein is allowed to invade, or encouraged to invade by our inaction, the entire region will be destabilized.

The New York Times, for example, reports:

"The Iraqi forces have moved long-range artillery, trucks, and tanks up to the front in the last few days," said Jabar Farman, Defense Minister for the Kurdish Government.

Kurds along the front line, which are subject to daily shelling and gunfire, wait nervously.

In nearby Awena, witnesses said Iraqi troops, in a March raid, mutilated and shot 17 people to death.

This, Madam President, is serious.

"The United Nations and America told us to come back, that it was safe," said Nadir Ali, a 22-year-old vegetable vendor. "But now it looks like we are being left alone, us against Saddam. There is nothing we can do in front of an Iraqi attack but run."

Madam President, the Turks and Iranians do not want, cannot support, and

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

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should not have to support 3.2 million Kurds who will leave in the face of violence from Saddam Hussein.

The Kurds are now low on supplies. The World Food Program and the United Nations have said their supplies are running low. Relief agencies are shutting down.

They are also dealing with a deteriorating infrastructure. Some of the pictures I talked about earlier are certainly graphic, illustrating how this old part of the world is falling apart in the light of the fact that they have had no ability to have a stable government due to the fact that Saddam Hussein continually harasses them. Roads, sewers, bridges, and power lines are all in trouble. There are shortages of basic materials for life.

According to reports, a teacher in northern Iraq makes $10 a month, yet a bag of rice costs $20. They are simply starving to death in front of us.

It is no wonder Saddam Hussein is moving his troops closer. Saddam Hussein is an expert at preying on the weak. He has done it, as I have indicated, his whole life. He did it when he was head of the secret police, where he killed and had killed thousands and thousands of people.

During Saddam Hussein's reign of terror in this region, hundreds and hundreds of villages were wiped out. We all can recount in our mind's eye the gas attacks, where little babies in their mothers' arms were found dead because this man of brutality, this sinister man, allowed gas attacks on these villages.

Are we going to stand by and let women and children flee into the bitter cold mountains? Are we going to allow this to happen again? We cannot allow this to happen. We must increase the U.N. presence, and we must send a message to Saddam Hussein that he cannot do this.

Last year, this body and the other body appropriated $70 million to aid the Kurds. Unfortunately, the Defense Department has refused to implement the plan we directed them to implement. This is a plan that included medical clinics, mobile grain silos, and automatic building machines which would allow these metal buildings to be put up very, very quickly.

We have focused attention, as we should, on 400 terrorists the Israelis expelled. We can see the pictures of them out in the desert air—400 terrorists. Should we not focus a little bit of attention on 3.2 million people who are trying to maintain a way of life they have maintained for over a thousand years? Are we going to turn our head?

I call upon Secretary Aspin to review this situation and take appropriate action.

In addition, we need to consider a winterization program and a long-term basic human needs program. This is the kind of message we should send to Saddam Hussein—that we support the Kurds and that we support democracy.

Unless we want to see the destruction, gas attacks, torture, and execution of people striving for democracy and a chance to live in peace, we had better do something about it. Humanity cannot let the modern-day Stalin flourish. Humanity must not let the modern-day Hilter exercise his sadistic brutality.

Mr. MATHEWS addressed the Chair.

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

APPALACHIA SERVICE PROJECT

Mr. MATHEWS. Madam President, I rise today to talk about a southern tradition and how one organization is working to pass that tradition on to new generations. When people talk about the South, they often talk about the hospitality of a place where friends and neighbors know one another by name, look after one another and help each other out from time to time.

I am pleased to say this particular southern characteristic is alive and well in Tennessee, and it was on display here in Washington earlier this month.

Early in May, a group of folks from Johnson City in northeastern Tennessee were here on Capitol Hill to receive a National Maxwell Award of Excellence presented by Fannie Mae. The award, which included a $25,000 grant, was recognition of excellence in creating affordable home ownership opportunities for working poor families.

Although this nonprofit group, known as the Appalachia Service Project [ASP] is located in Johnson City, it serves the four States of Tennessee, Kentucky, Virginia, and West Virginia.

The project for which they were being honored happens to be located just across the Tennessee line in Lee County, VA, and it involved building new homes on scattered sites for very low-income families. ASP's roles included acting as contractor, lender, loan packager, home ownership counselor, and social worker if needed.

Originally founded by a church group to help make emergency home repairs for low-income households, Appalachia services added its new homebuilding program in 1985 and has completed 17 new homes as well as 30 major reconstructions in the past 8 years.

Last summer, the group used more than 60,000 church volunteers to repair 250 homes in the area. Costs are kept low—average $34 per square foot—by using their own construction crew combined with extensive volunteer labor from members of churches across the Nation, donated material and land, and upon occasion, sweat equity.

Amazingly, since the beginning of this program, none of these homeowners have defaulted on their mortgages in spite of their very modest incomes. A major reason for this lending success is that ASP provides one-to-one home ownership and maintenance counseling to the families as well as receiving their monthly payments. ASP then pays the mortgage.

The program reaches families whose incomes are so low they cannot qualify for conventional financing yet are a good credit risk. ASP packages financing individually to meet the needs of each borrower. They also arrange for zero to 5 percent interest rate mortgages with various State agencies and lenders.

The Fannie Mae Maxwell Awards of Excellence were created to recognize nonprofit organizations and encourage their work to develop and maintain housing for low-income Americans. For the 5th year, the Fannie Mae Foundation has made grants of $25,000 to each of six nonprofit organizations, judged by an independent panel as having produced the best examples of low-income housing projects during the past year.

As a Tennessean, I am proud to see a Tennessee group reaching out to make the dream of home ownership a reality for working poor families in the Appalachian region. I congratulate them.

Thank you, Madam President, for allowing me to take this time to honor an organization which is working to make the lives of so many, so much better.

Madam President, not noting anyone on the floor seeking recognition, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Madam 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.

LINE-ITEM VETO IV

Mr. BYRD. Madam President, today I continue in my series of speeches concerning the line-item veto, with particular emphasis on the history of the Romans.

Now, why am I doing this? These speeches do not make any headlines. My staff does not rush out with press releases. The speeches are not expected to make news.

I hope, Madam President, by these speeches to enhance the understanding and the appreciation of all those who will listen—Members of the Senate, Members of the House, representatives of the press, and the public in general. I hope to enhance their understanding of the importance of maintaining a legislative branch that is free of domina-

tion from an all-powerful executive, and of the critical role that the power over the purse plays in the constitutional mechanism of separation of powers and checks and balances that was handed down to us by the constitutional Framers in Philadelphia in the year 1787.

Why history? Because many, if not most, of the Framers were conversant with Roman history and with the history of England. They were also very familiar with the political philosophy Montesquieu, whose political theory of checks and balances and separation of powers influenced them in their writing of the Constitution. Montesquieu was also influenced in his political philosophy by the history of the Romans by contemporary English institutions, and by English history. Montesquieu never wrote a history of the Romans, as I have heretofore observed.

And so, Madam President, I proceed, then, with another in my series of speeches on the overall subject of the line-item veto.

In 509 B.C., the Romans switched from a king as the executive to the election of two consuls as dual executives, with equal powers; both to be elected at the same time, each to be elected for a one-year term, and each having a veto over the other consul's actions.

To avoid an overuse of the veto, to avoid its being too frequently applied, the two consuls alternated from month to month in taking charge of the administration when both were in the city. And when both were in the field with the Roman legions, they held the chief command on a day-to-day basis, alternating from day to day.

Thus, we see that the duality and collegiality represented by two consuls, constituted the Roman answer to any possible threat of a return to monarchical rule.

In addition to the two consuls, we noted last week the development of various other magistracies. Today, I would like to add three: The interrex, the Master of the Horse, and the proconsul.

The interrex was an individual appointed by the Senate upon the death of a king, with provisional authority to rule until another king was chosen. Later, in the Republic, an interrex was appointed when both consuls died or resigned—their seats being vacant. And he was to rule with the Imperium, the authority of a consul. He was to have twelve lictors, who would escort him.

The interrex had to be a patrician and he had to be a Senator. His appointment was only for a few days at a time, five days, ten days, so on.

The Master of the Horse was nominated by a dictator who, under the Roman Constitution, could only serve a maximum of six months or until his task was done, whichever was the lesser. The Master of the Horse was nominated by the dictator to serve as his, the dictator's, subordinate. He could take the place of the dictator in the field or in Rome.

The Imperium of the Master of the Horse was a derivative of the dictator's Imperium, and the Master of the Horse ended his commission when the dictator laid down his office.

Now, as to the office of proconsul, in 327 B.C., Quintus Publilius Philo, a consul, was besieging the city of Naples and was about to take it, when his 1-year term of office came to an end. What was to be done? He no longer had the authority to command the armies.

The Roman people voted his continuing Imperium for no more than a year or for such time as was needed to complete his task, whichever was the lesser. Therefore, his command of the army, his Imperium, his office of consul, was continued temporarily into the next year, 326 B.C. It meant that he was to continue as consul for a limited time after his regular term of office as consul had expired.

We have also observed the development, the origins, and the functions of the various assemblies of the people. We have observed that a Roman Senate had existed since the earliest days of the kings. But what about the people's assemblies?

In our own federal system, we have two assemblies. We have two bodies here in the Congress: We have the Senate; we have the House of Representatives.

From the beginning of the era of the kings, there was an assembly of the people. The first assembly was the comitia, meaning "assembly"—the comitia curiae, made up of the curiae. There was the comitia centuriata, which was an assembly of centuries; then, the concilium plebis, or council of the plebeians; then, the comitia tributa, the tribal assembly. And, in the case of each of these assemblies, the convening of the assembly had to be by a magistrate.

The assembly could only vote up or down on the subject matter presented by the presiding magistrate. The assembly could not amend the proposal. The Senate could veto the actions of the people's assembly of the assembly. In order for the actions to become law they, therefore, had to have the ratification or approval of the Senate.

The Senate, therefore, was supreme. We saw that in the fourth century, the plebiscite of Ovinius, a Roman Tribune, was enacted. It presented a formulation of regulations by which individuals were to be enrolled into the Senate as members thereof. The plebisite gives preference to ex-magistrates. So, by law, the censors, who enrolled members into the Senate, were required to give preference to worthy ex-magistrates.

What did this mean? This meant that the exercise of excessive personal or factional influence over the composition of the Senate was curbed. It also meant that the guarantee of a future seat for life in the Senate was an incentive to every magistrate to do his best during his tenure of office, to act honorably and to serve effectively so that he would be considered an individual worthy, when his term of office ended, of enrollment as a member of the Senate.

It also meant that the Senate, albeit indirectly, was popularly elected, because it was made up of ex-magistrates who had had to stand for election before entering upon their various offices—the consuls, the censors, the praetors, the quaestors, and so forth.

It also meant that this Senate, for the most part, being a body of ex-magistrates, would be a gathering of the wisest men in Rome—men who had held high administrative positions in the government, or had commanded armies in the field, or both, before entering the Senate.

The Senate held the power over the purse. It was supreme in financial matters. It regulated the coinage, it determined the rate of tribute, it supervised the revenues and the expenditures, it controlled the aerarium.

The aerarium was the state treasury, located in the Temple of Saturn below the capitol, and was in the care of two quaestors. In the aerarium were the silver and gold ingots, the bronze lumps and bars, and, after 269, the Roman coins that were made of silver and bronze. Some of the other tribes had proceeded with the manufacture of coins before the Romans did. Also, in the aerarium were the papers, the documents of state. It was the receptacle of the senatus consulta. What was a senatus consultum? A senatus consultum was the advice of the Senate to a magistrate. In Republican times, it did not have legislative force, but de facto it was binding.

I said last week that the Roman Senate met from dawn until sunset. The senatus consultum was drafted after the day's session of the Senate, in the presence of the presiding magistrate and in the presence of witnesses, included among whom was the proposer, or author of the senatus consultum.

The senatus consultum contained the name of the presiding magistrate, the date, the place of assembly, and the terms or substance of the senatus consultum. It indicated the number of Senators who were present when the senatus consultum was approved. It also gave the names of witnesses to the drafting of the senatus consultum, and it included the capital letter "C," indicating that the Senate had given its approval. The texts of the Senators consulta were deposited in the aerarium.

Plutarch writes that before the consulate of Marcus Tullius Cicero, there were no shorthand writers. Cicero lived

between 106 B.C. and 43 B.C. Cicero had recruited a number of the swiftest writers, and he taught them the art of abbreviating words by characters. He placed them in various parts of the Senate house. The records were filed in the aerarium.

Madam President, from the very earliest times, the Romans seemed to be incessantly involved in fighting battles with neighboring tribes. From time to time, the Romans would lose a battle, but they always won the war.

One such battle was the Battle of Caudine Forks in 321 B.C. It took place during the Samnite wars. Gaius Pontius was the general leading the Samnites on this occasion. The two Roman consuls were Titus Venturius Calvinus and Spurius Postumius. These two Roman consuls and their armies were on their way to Luceria. There were two routes by which they could go, but the Samnite general lured them into choosing the shorter, and the more dangerous, of the two routes.

The route that they chose led through two gorges—steep, wooded, and narrow. Between the two gorges, there was a wide, grassy plain. The road ran through the center of this valley.

The Romans passed through the first gorge and emerged into the valley. As they proceeded to the second pass, they found it blocked by a barrier of large rocks and fallen trees. At the head of the pass, they noticed some armed men, and it was apparent that they had fallen into a trap. They quickly retreated to the other gorge from which they had entered into the valley, and they found it, by then, likewise, barricaded with rocks and controlled by armed services.

Every effort to extricate themselves was in vain. Finally, their supplies ran out, and they were driven to attempt to make a reasonable, honorable peace. The two consuls consulted with Gaius Pontius, the enemy general, who stated that he was prepared to make a treaty if the Romans would vacate Samnite territory.

The two consuls insisted that they were not authorized to make a treaty without the approval of the Roman people. The Romans were ordered to leave immediately and to lay down their arms.

The two consuls were ordered to dismiss their lictors and to remove their cloaks, their General's cloaks. Then the two generals were forced to walk under the yoke. The yoke was two spears erected vertically a few feet apart, with a third spear across the two upright spears.

This was the yoke. And the legions, made up of 20,000 Romans, were forced to march under the yoke. They had to bend to go beneath the yoke. And they were stripped of every bit of clothing, except for a single garment. They were forced, therefore, to walk half-naked beneath the yoke, while on each side, the enemy soldiers were armed and stood there cursing and taunting the Roman legions as they marched beneath the yoke.

The expressions on the faces of Romans, imaginably, were expressions of humiliation and embarrassment, the expressions of captives. They entered the city of Rome far into the night and stole away, each to his own house. The next day, not one of them ventured forth into the forum or into the public streets. It was a terrible defeat for the Romans. But, as Montesquieu said, the Romans "never sought peace except as victors. They always increased their demands in proportion to their defeats."

The more disastrous a defeat, the more the stakes went up, the more the Romans increased the ante, the more they increased their demands on the enemy. They were an indomitable people.

The Samnite wars, which continued sporadically from 343 B.C. to 290 B.C., ended with the Romans victorious. It was apparent then that the Romans, having conquered the Samnites, who were an ancient people in southern Italy, living in the Apennines, intended to extend their sway throughout the whole peninsula.

The rich Greek city of Tarentum resented the penetration of the Romans into southern Italy. The Romans had established a garrison at Thurium, not far from Tarentum, and the Romans enhanced that garrison by providing a squadron of ten galleys to cruise in the Gulf of Tarentum.

One day, the Tarentines saw these galleys at the entrance of the port in the Gulf of Tarentum. The Tarentines immediately manned their own vessels, went out and attacked the Roman squadron, destroyed four of the galleys, took one, and butchered the crew. Emboldened by this seemingly easy success, they then drove out the garrison from Thurium and plundered the city.

Shortly thereafter, a Roman ambassador, Lucius Postumius Megellus, appeared and demanded reparations. He had been sent by the Senate. The Tarentines gave him an audience in the theater, and he used such Greek as he could command. He did not do very well with the language. Each time he placed the wrong accent on a word, the Tarentines would burst out in a laugh. And when he remonstrated, they laughed all the more. They called him a barbarian and, at last, hissed him off the stage.

As the grave Roman senator retired, a Tarentine, who, by his constant drunkenness, had been nicknamed the "Pint-Pot," came up to Megellus with gestures of the grossest indecency and bespattered the senatorial gown with filth. Megellus turned to the multitude and held up the bespattered gown, as though appealing to a universal law of nations. At this sight, the Tarentines burst out in even greater laughter. They set up such a loud laugh as shook the theater. Megellus paused. "Men of Tarentum," he said, "laugh. Laugh now. It will take not a little blood to wash this gown."

By the way, this incident is mentioned in one of "Macaulay's Lays of Ancient Rome."

The Romans then advanced on Tarentum. The Tarentines invited Pyrrhus, a Greek general, to descend upon Italy. Pyrrhus was king of Epirus and was the most able of all of those who claimed to be the heirs of Alexander.

His words, when he saw the encampment of Romans, were full of meaning: "These barbarians have nothing barbarous in their military arrangements."

He sought to negotiate with the Romans. He proposed that if they would leave Tarentum and the other Greek cities, free, and if they would restore to the Samnites, the Apulians, the Lucanians, and the Bruttiums, the cities and the land which the Romans had taken from them, he then would offer to enter into an alliance with the Romans.

But the Romans repelled every offer. Pyrrhus had brought with him 25,000 men, well trained in the Macedonian battle formation. He had also brought 20 elephants. The Romans were not prepared for the onset of the elephants. This is the first occasion on which elephants had been seen on the Roman Peninsula. Alexander had encountered elephants in his battles with Darius the Third, at Issus in 333 B.C., and at Arbela, sometimes referred to as the battle of Gaugamela, in 331 B.C.

The Romans, as I say, were not prepared for the elephants. The battle of Heraclea was lost by the Romans. Pyrrhus won, but at great cost. At the conclusion of the battle, he exclaimed, "Such another victory, and we are undone."

Pyrrhus, in crossing the Adriatic, had counted on an easy war. Instead, he had met with the most redoubtable of adversaries. He renewed his peace proposal to the Romans. He offered again the same proposal, but this time he added a provision that he would free all Roman prisoners without ransom.

Cineas, the philosopher, was charged by Pyrrhus to submit the proposals to Rome. Cineas spoke before the Roman Senate. He had brought with him bribes for Roman Senators, and rich robes for Senators' wives. But he found no takers. He found no one venal, but he made an eloquent speech to the Roman Senate.

Pyrrhus had said that the eloquence of Cineas had gained for him, Pyrrhus, more cities than had been gained by arms. Cineas almost persuaded the Roman Senate to accept the peace proposals by Pyrrhus.

Appius Claudius Caecus was a renowned Roman who has been compared to the aristocratic founders of Athenian democracy. When he was censor in 312 B.C., he enrolled in the Senate several persons of low birth, plebeians, and the sons of freedmen. He did this in order to get their votes, their support for his plan to build a highway, the Via Appia, into southern Italy, and his plan to construct the first aqueduct, the Aquae Appia. The cardinal feature in the policy of Appius Claudius Caecus was to enlarge Roman control over the entire Italian Peninsula.

When Caecus heard that the Romans in the Senate were about to be convinced by the silver-tongued Cineas, he had his servants carry him to the Senate house, whereupon his sons and sons-in-law led him into the Senate. He was old. He was blind. When Ceacus—who had been censor, consul, proctor, interrex, and dictation—entered the Senate, he was met with a silence of respect.

He said, as related by Plutarch:

"Hitherto, I have regarded my blindness as a misfortune. But today, Romans, I wish I were as deaf as I am blind. For then, I would not have heard the reports of your shameful counsels and decrees, so ruinous to the glory of Rome. You tremble at the name of Pyrrhus. Do not expect that, to enter into an alliance with him, you will rid yourselves of him. That step will only open a door to many invaders. For who is there who will not despise you and think you an easy conquest if Pyrrhus not only escapes unpunished for his insolence, but also gains the Tarentines and Samnites as a reward for insulting the Romans? Tell Pyrrhus to leave Italy. Then we will talk with him."

When Caecus concluded his speech, the Senators voted unanimously to continue the war. They told Cineas that if Pyrrhus continued to stay in Italy, he would be pursued with force, even though he should have defeated a thousand Laevinuses—Laevinus having been the Roman consul who was defeated at Heraclea. They ordered Cineas to leave town that day, after they had levied two additional Roman legions right before his eyes.

Cineas was impressed. The sight of this great city, its austere manners, and its patriotic zeal struck Cineas with admiration. And when he had heard the deliberations of the Senate and observed its men, he reported to Pyrrhus that here was no mere gathering of venal politicians, no haphazard council of mediocre minds, but in dignity and statesmanship, veritably "an assemblage of kings." Cineas told Pyrrhus that it would be a mistake for Pyrrhus to continue in this war with the Romans, because they were in such great numbers, they could create new legions so fast that Pyrrhus would find himself engaged in a war with the Lernaean hydra, which was a serpent or a monster with nine heads that lived in the marshes near Lerna. According to legend, each time Hercules had cut off one head, two more appeared, unless the wounds were cauterized.

Pyrrhus fought a second battle at Asculum with the Romans in 279. The Romans were defeated again, with great losses on both sides. But in 275, the Romans defeated Pyrrhus at Beneventum, and he returned to Epirus with only a third of his expeditionary force. In 272, Tarentum fell, conquered by the Romans. With its fall, the Romans, who had founded the little fledgling city on the banks of the Tiber 500 years before, now controlled the entire peninsula from the Po Valley in the north to the Ionian Sea in the south, from the Tyrrhenian Sea on the west to the Adriatic on the east.

What was the secret of their success? Well, of course, the major secret—and there were several secrets of their success—the one which I will mention today was their superior military system. The consuls commanded the armies in the field. The consuls may not have been always great, or even good, generals, but they were always soldiers of experience, because it was a requirement of a candidate for office in Rome during the republic that he had to have a record of at least 10 military campaigns. And the subordinates of the consuls, the military tribunes, were also veterans, because they, too, had to experience 5 or 10 campaigns.

But the main factor in the military success of the Romans was the iron discipline—the iron discipline and respect for authority that the Romans had learned first at the hearth in the home. The Consular Imperium gave to its holder absolute power over the soldier in the field, and the penalty of neglect of duty, cowardice, or disobedience was death.

There is one example I shall mention here that will suffice. In 340 B.C., the Roman armies were fighting the Volscians, Campanians, and the Latins. The Roman armies were encamped near the city of Capua in southern Italy. The two Roman consuls were Decius and Titus Manlius Imperiosus Torquatus. The Roman consuls felt that, if there ever were a time when military discipline was vitally important, it was on this occasion, because they were fighting against people who had the same language, customs, weapons, and the same battle tactics. Many times, the common soldiers, the centurions, the tribunes, had mingled and fraternized together in the same companies with the enemy. Therefore, the two consuls felt that, in order to avoid confusion that might end in a terribly disastrous error, they should pronounce an edict that no Roman should leave his rank to attack the enemy until commanded or ordered to do so by the Roman consuls.

The edict was issued. The soldiers then went out upon patrols, reconnoitering the territory, and the leader of one of these Roman patrols was Titus Manlius, the son of Titus Manlius Imperiosus Torquatus, the consul. Young Manlius and his squadron came near to the enemy. The commander of the cavalry of the enemy was named Geminus Maecius. As he saw the Roman patrol approaching, he recognized the leader of the patrol as the son of the Roman consul. He challenged Titus Manlius to fight. The other soldiers stood back, and Titus Manlius, in the anger of the moment, forgot the edict of the consuls and rushed forth to do battle. The two horses and their riders rushed toward one another. Titus Manlius charged with such force that he drove his spear into the mouth of Geminus Maecius, and it emerged between his ribs. Titus Manlius then removed the spoils of the enemy and carried them back to the tent of his father, the Roman consul. When he told his father what had happened his father turned his back on his son and ordered that the trumpet be sounded for an assembly.

When the assembly had gathered, the father then turned to his son and said: "You, Titus Manlius, have respected neither the edict of the consuls nor the authority of your father. You have undermined the military discipline upon which Roman power has always depended. Because of this, it is better that we be punished for our sins than that the republic suffer to atone for our transgressions. I am affected both by the inborn love of a father and by these tokens of your courage. But the orders of the consuls must either be confirmed by your death or be forever nullified by your immunity. Go, lictor, bind him to the stake!"

This was the "Manlian discipline" that was so often referred to by posterity. It was a harsh discipline, but it taught Roman soldiers to be obedient to the orders of their commanders. And it was said that Roman soldiers feared their commanders more than they feared the enemy, because they knew what the penalty would be for disobedience, for cowardice, or for neglect of duty.

Now, Mr. President, with the unification of all Italy we have brought the Romans to the point where they were becoming increasingly involved in international affairs. But for now, let us just reminisce in these last few minutes.

We have seen a Roman system develop through chance, experience, trial and error; a Roman system of checks and balances—the veto of each consul as against the acts of the other, the veto of each plebeian tribune as against the acts of the other, or the acts of the consuls. We have seen the origin and development of the assemblies of the people. We have also seen that their legislative actions could not become law without the approval of the Senate—another check and balance.

We have seen the Senate as an institution that existed from the beginning, from the very first king, the legendary king Romulus, who appointed 100 of the wisest men to the Senate. We saw its membership increase by 100 under Tarquinius Priscus, and we saw the membership increase by an additional 100 under the first Roman consul, Lucius Junius Brutus in 509 B.C.

We saw the Senate supreme. We have noted that it had absolute control over the purse. We have noted that it was free from the domination of any consul, free from domination by the executive.

We have seen the separation of powers in the Roman system—the consuls, the tribunes, the quaestors, the praetors, the aediles, the interrex, the proconsuls, the Master of the Horse, and so on—some to act as judges, some to act as administrators, some to act as legislators in assemblies, some in the Roman Senate.

The Senate had control over the treasury, while the assemblies declared war or peace. It was the Senate that waged war. We have seen the Senate wage wars—with the Tarentines, the Samnites, the Apulians, the Lucanians, and with Pyrrhus.

We have seen a Senate that was made up of wise men, the wisest in the state, wisest because they were selected through the process of experience that guaranteed that there would be a body of men who had held command of the armies in the field, and others, who had held high positions in government. A pillar of strength—that was the Roman Senate.

We have marvelled at the respect for authority and the imposition of discipline that began with the child in the Roman family, in the home—not only a respect for authority, but also a reverence for the gods. They were pagan gods, to be sure, but there was reverence for the gods.

It was that respect for authority, that discipline, that reverence for the gods, that made the Roman character what it was and made the Romans so victorious in battle.

Each Roman believed that Rome had a good-decreed destiny to be fulfilled, and each Roman believed that it was his personal duty to assist in achieving further that destiny, the destiny of his country.

We can see so many parallels in the long Roman history with our own beginnings in our own country. And as we proceed, we shall see the continuing ascendancy of the Roman state and the Roman people, and then the beginning of the decline, a slow but fatal decline.

We will find that as long as the Roman Senate was independent of the dominance of any body of persons or the dominance of any executive, Rome grew in strength and influence. We will also see that when the Roman Senate declined and was dominated by an all-powerful emperor and by the praetorian guard—Rome also declined.

Mr. President, I yield the floor.

MAX WARBURG COURAGE CURRICULUM

Mr. KENNEDY. Mr. President, I rise today to recognize an excellent program in the Boston public schools.

The Max Warburg Courage Curriculum defines, discovers, and celebrates courage as an enabling virtue for 4,200 sixth graders in the Boston public schools.

The Max Warburg Courage Curriculum honors the life of Max Warburg, a Boston sixth grader, who showed extraordinary courage through his life and battle with leukemia. His courage was most evident when he led bone marrow donor recruitment drives under the banner Max+6000 for the National Marrow Donor Program. Along with representing his own needs, Max gave hope to the 6,000 others facing such life threatening blood diseases. "Even if you are not helping me you are helping someone else" he said in a television interview, "It is so simple." As the result of Max's leadership, inspiration and the forces he marshaled, the National Marrow Donor Program increased its donor pool by 2 percent.

The curriculum was developed during the summer of 1991, 2 months following Max's death, by the Boston public schools. The curriculum schedule begins with teacher orientation and workshops and ends with a mid-May award ceremony for the participating teachers and students. The students begin the program with a videotape about the story of Max Warburg, followed by reading the year's novel selected for its presentation of courage. The "Bridge to Terabithia" by Katherine Paterson and "Roll of Thunder, Hear My Cry" by Mildred Taylor are the novels selected to date for 1992, and 1993, respectively. From this and classroom discussion the students set out to write about their own perception and experiences with courage. From the essays submitted, 23 of the best at describing "Courage in My Life" are selected by a panel of 25 Boston writers. The selected essays are published in the volume "The Courage of Boston's Children" and their authors become Max Warburg fellows.

The curriculum was created through the efforts of Charlotte Harris, Martha Gillis, and Peter Golden of the Boston public schools, and the financial support of Max's parents, relatives, and friends. Through their desire for a commemorative program which would reflect Max's spirit and their collaborated efforts, they initiated a values, literature, and writing curriculum. The Max Warburg Curriculum is the first privately sponsored program for the Boston public schools.

Underwriting this curriculum cost between $50,000 and $75,000 per year. Expenditures are guided by the advisory committee which include Jonathan and Stephanie Warburg, Mrs. Nicholas Bright, Dr. Robert Coles, Nancy Condit, Susan Coppedge, Ann T. Hall, Jane Harman, Kasey Kaufman, Alexandra Marshall, Beth Pfeiffer McNay, David Rockefeller, Jr., Suzanne Rothschild, Deanne Stone of the Foundation for Children's books, Nina Thompson, and at its leadership.

The greatest courage may be that which is needed to follow your own vision. For the students to recognize courage within themselves and to recognize their own capacity to learn through literature by the goals of this curriculum. The vision of the founders is that the curriculum will become a permanent part of the literature curriculum of the Boston public schools and in time other schools, public and private, will be able to adopt the Max Warburg Courage Curriculum.

PROTECTING THE AMERICAN MILITARY FROM BECOMING THE NEW AMERICAN POOR

Mr. MCCAIN. Mr. President, now that we have had the opportunity to fully examine some of the budget proposals made by President Clinton, I believe that it is essential that we take a more detailed look at the impact of his effort to cut military pay as a method of funding his domestic spending program. Both the administration and the Congress need to fully understand the implication of such pay cuts, and the obligation we owe to the men and women who volunteer to risk their lives for their country.

We need to understand that the men and women in our Armed Forces are not some procurement program that we can fund or cut without human consequences. We need to recognize that their jobs are real and serve a vital national need, and that they are not some form of laboratory rats that can be used for interesting social experiments.

We are talking about real people with lives and families. If they differ from the rest of the American people, it is only in their exceptional dedication to public service and their willingness to risk their lives. If their jobs differ from ordinary jobs, it is only in that they involve exceptional risk and hardship for what—in the past—has been an exceptional degree of job security and the promise of an early pension.

The military do, however, work under conditions that offer them less legal and political protection than most American workers. They do not have an enforceable contract with the President or with the U.S. Government. They not only live with the constant risk of combat deployments, they have no legal protection against actions by the administration or the Congress that suddenly alter their job security, hope of pension, pay and benefits, or any other terms of services.

This point has already been driven home by the manpower cuts that have occurred as a result of the end of the cold war. Military personnel and their families face a time of great turmoil. A job that seemed to be a lifetime career with a guaranteed pension now is one filled with firings and the loss of pension rights. Military moves have tripled in many units—costing wives their jobs and families a second income. Tours of duty are growing longer.

The issue of gays in the military, and the widening role of women in combat, threaten further major changes. Many elite specialties are now being phased out as a result of the end of the cold war. Many military benefits have been cut by 66 percent in the last 3 years.

Major cutbacks in recruitment and retention have a disproportionate effect on minorities, who have far fewer civilian opportunities. During the last 5 years, for example, the number of voluntary minority separations from the military has doubled, and the number of involuntary separations has tripled.

This is why we need to be extraordinarily sensitive to the pay cut issue. A slash and burn approach to cutting the defense budget hurts people and local economies, as well as undermines morale and our national security.

It is bad enough to treat civilian employees as if they somehow caused the deficit or the current recession, or as if their jobs and lives could be sacrificed for a vaguely defined jobs program. Federal employees are generally paid less than their civilian counterparts, and many barely earn enough to maintain a normal or middle-class lifestyle.

This is even more true of the men and women in the U.S. military. They also have already suffered a major drop in living standards as a result of past failures to provide them with increases in pay for inflation or to keep pay comparable with increases in civilian pay. The services estimate, for example, that annual military pay increases have already lagged 7.8 percent behind inflation in the last 10 years, and 11.7 percent behind the increases in pay in the private sector.

To put the impact of such trends in perspective, the lowest enlisted rank, an E-1, earns as little as $9,533 per year, plus $1,019 in allowances. Even many sergeants earn less than $20,000, while few earn more than $25,000. These personnel are exceptionally dependent on the base facilities and services provided to the military, but they have also seen a steady cutback in the quality of recreational and medical facilities provided to the military, as well as in the other support facilities provided to service men and women. As a result, the military services estimate that some 20,000 enlisted men and their families are now eligible for foodstamps.

This cut in real pay relative to inflation and increases in civilian pay has occurred at a time when such personnel have lost other critical aspects of their economic security. As I have touched upon earlier, our military used to have two compensations for the sacrifices they made in serving their country and risking their lives. The first was career security, and the second was a pension at the end of their careers.

During the last few years, we have deprived many enlisted personnel of this job security and the promise of a pension. For example, 178,000 military personnel left military service last year. Enlisted voluntary separations in the Army—most of which involved no real choice by the individual involved—rose from 66,800 in 1991 to 128,100 in 1992. Air Force separations of all kinds rose from 43,500 to 63,000.

The cuts in the other services were far less severe, but all enlisted personnel and junior officers know that the cuts will be much sharper over the next 4 years. Hundreds of thousands of men and women will have to leave military service years before their careers end, and often without a pension.

Other aspects of President Clinton's proposed deficit reduction program are making this situation far worse.

Up to 400,000 additional men and women, and their families, will now have to leave military service by the end of 1998.

Many will have to be denied even the dignity of voluntary separation or will be forced to volunteer with little or no warning.

Many will be forced to leave the service so that domestic programs can be funded that will create fewer jobs than they destroy, or fund programs with little or no benefit to either our economy or our security.

No matter how dedicated and patriotic our men and women in uniform are, this already is having an impact on military readiness. Military capability is a function of morale even more that it is a function of material and technology. A military force is only as effective as its personnel, as their motivation, and as their career structure.

If President Clinton's proposed pay cuts are ever implemented, they will make this situation much worse:

President Clinton's new budget deficit reduction plan calls for a 1-year freeze on military pay and benefits in fiscal year 1994, and a for a 1-percent reduction in the annual pay raise calculated on the basis of the employment cost index for fiscal years 1995–97.

Since the annual pay increase is already one-half percent below the employment cost index, this means that the growth in military pay will fall 10 percent behind inflation, and 19.9 percent behind the growth in private sector pay, during fiscal years 1993–97—the same years that will see devastating cuts in total personnel.

It is important to understand that what President Clinton proposed was a cumulative process of annual cuts. This is why the CBO estimated that the military would lose $1 billion in outlays for pay in fiscal year 1994, $1.8 billion in fiscal year 1995, $2.4 billion in fiscal year 1996, $3.1 billion in fiscal year 1997, and $3.3 billion in fiscal year 1998.

It is also why the CBO estimated the total loss of military and civilian pay as $2 billion in 1994, $3 billion in 1995, $4 billion in 1996, $5 billion in 1997, and $5 billion in 1998.

Another way of putting military salaries in perspective is to consider the number of personnel who earn less than $20,000—a relatively low salary for a decent life in much of the United States. If we only count pay, and not basic allowances for quarters and subsistence, there are 399,000 in Army, 332,558 in Navy, 137,900 in Marine Corps, and 259,400 in Air Force who earn less than $20,000. Even if we do count all allowances, many enlisted men and women still earn less than $20,000 per year.

The number of military personnel earning less than $20,000 per year, and include the value of free housing and all allowances, get over 302,600 for Army, 136,900 for Navy, 83,600 for the Marine Corps, and 78,600 for the Air Force. This is a total of 601,900.

The number of men and women earning less than $20,000 per year with all allowances compromise approximately 45 percent of Army, 45 percent of Marine Corps, 26 percent of Navy, and 18 percent of Air Force. Of this total, 118,000 are minorities, 111,600 have families, and 6,515 are single parents.

These are not the people who should bear a special burden in deficit reduction. They are not the kind of people of whom it is fair to ask new sacrifices after years of failing to give them the pay raises they have earned. Putting on a uniform does not mean wealth or security, or that any man's or woman's true income should be forgotten for the convenience of those who have never really understood or cared about the military.

The new military poor, however, are only part of the human factor we should consider in evaluating military pay cuts. Men and women who volunteer to serve their country not only have a right not to be poor, they have a right to decent pay.

There is no clear standard for middle-class income in the United States, but $30,000 is a reasonable annual income for a decent middle-class life. If we use such a figure, it is clear that the hardships imposed by President Clinton's pay cuts would affect even more Americans.

Seventy to eighty percent of all enlisted men and women earn less than $30,000 per year. Roughly three-quarters of all military personnel in the United States barely qualify for middle-class living standards or fall below them.

Seventy-seven percent of all Air Force enlisted personnel, and 64 percent of all Air Force personnel, earn less than $30,000 a year. We are talking about 283,000 men and women in Air Force uniform earning less than $30,000 a year. We are talking about 46,000 black Air Force servicemen, 10,000 Hispanics, 9,000 other minorities. 65,000 in all. Further, 130,000 of these personnel have families, and 5,500 are single parents.

Each service has a different mix of personnel and specializations, and the Marine Corps is less well paid than the Air Force. Over 85 percent of all enlisted Marines earn under $30,000—some 154,000 men and women. This total includes 31,200 black marines, 13,000 Hispanics, 6,000 other minorities: 50,000 in all. It includes 73,000 marine families, and 4,300 single parents.

The Army has 438,000 enlisted personnel earning less than $30,000. Approximately 175,000 of these men and women, or 40 percent, are minorities. Some 224,000 are married and 26,000 are single parents.

The Navy has 396,000 men and women earning less than $30,000 a year, of which 387,000 are enlisted personnel. These totals include 80,800 black Americans, 31,500 Hispanics, and 1,500 other minorities for a total of 115,000. Roughly 191,000 of these Navy personnel have families, and 12,300 are single personnel.

If we add all of these figures together, we are talking about significant—almost uncaring—damage to the lives of over 1.1 million enlisted men and women and their families. This is simply too large a total to ignore.

We must never again violate the trust of an all volunteer military. We must not single them out for further sacrifice, any more than we should single out career civil servants. We must not treat them as if the only thing that mattered about them was the total cost of their pay, and they were not real human beings with some of the most vital jobs in our country.

The cost of preserving that trust is also affordable—particularly when we remember that we are preserving well-earned jobs as well as national security. We are talking about additional expenditures of $1 to $3 billion a year.

If the rate of cuts in the budget of the Department of Defense can be reduced by $2 to $5 billion to compensate for undercosting of the defense program—as Secretary Aspin recently recommended—it should be possible to protect military pay as well.

If defense spending cuts are vitally necessary, then we could act immediately to kill useless expenditures like paying $2.14 billion for a third Seawolf, or locking ourselves into an effort that would protect one small part of the industrial base at the cost of over $3 billion for each new submarine. This one change in the defense budget would largely eliminate the need for military paycuts.

I would hope that each of my colleagues will consider these facts. I also hope that each of my colleagues would examine the detailed tables that I have asked the services to prepare on the number of low paid military personnel in their service, and the impact of previous cuts in defense spending on accessions and separations. Mr. President, I request that these tables be included in the RECORD in full following the end of my remarks.

Gen. George Marshall said of our treatment of the American military after World War II that, "It was no demobilization. It was a rout." It would be as great an error to end the cold war with a disregard for the needs and morale of our volunteer forces. No amount of technology, no amount of infrastructure, no amount of weapons and munitions can ever substitute for human excellence, for human courage, or for human decency in the way we treat our men and women in uniform.

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

ARMY DATA ON THE IMPACT OF THE FEDERAL PAY RESTRAINT ACT OF 1993

Grade	Personnel	Black	Hispanic	Other	Married	Single parent
Active duty earning less than $30,000 per year [BP&A]:						
O–1	8,127	894	244	406	2,032	163
WO–1	2,017	182	40	141	1,009	81
E–6	74,872	28,451	4,492	4,492	61,395	5,990
E–5	99,104	36,668	3,964	4,955	75,319	7,928
E–4	141,989	44,017	5,680	7,099	72,414	8,519
E–3	58,038	13,349	2,902	2,902	16,251	1,875
E–2	38,452	7,690	2,307	1,538	7,690	345
E–1	25,843	5,944	1,809	1,034	4,135	1,034
Total	448,442	137,195	21,438	22,568	240,245	26,435
Percent		31	5	3	54	6
Adtive duty earning less than $20,000 per year [BP]:						
E–6	35,488	13,486	2,129	2,129	29,100	2,839
E–5	99,104	36,668	3,964	4,955	75,319	7,928
E–4	141,989	44,017	5,680	7,099	72,414	8,519
E–3	58,038	13,349	2,902	2,902	16,251	1,875
E–2	38,452	7,690	2,307	1,538	7,690	848
E–1	25,843	5,944	1,809	1,034	4,135	1,034
Total	398,914	121,154	18,791	19,658	204,910	23,041
Percent		30	5	5	51	6

	Total separations by fiscal year						
	1986	1987	1988	1989	1990	1991	1992
Enlisted Involuntary Separations							
Black:							
Male	7,796	6,853	7,206	7,327	7,273	5,941	6,491
Female	699	768	904	965	1,066	935	871
Hispanic:							
Male	639	643	619	625	520	477	606
Female	42	39	42	40	47	41	56
Other:							
Male	22,409	19,749	18,596	19,210	19,013	15,991	17,698
Female	1,904	1,861	1,858	2,011	2,083	1,940	1,934
Total:							
Male	30,844	27,245	26,421	27,162	26,806	22,409	24,795
Female	2,645	2,668	2,804	3,016	3,196	2,916	2,861
Enlisted Voluntary Separations							
Black:							
Male	21,132	22,037	20,664	16,525	18,866	14,382	36,712
Female	3,824	4,373	4,236	3,970	4,658	4,398	6,942
Hispanic:							
Male	2,902	2,912	2,688	2,360	2,525	1,943	4,456
Female	270	257	228	236	271	258	344
Other:							
Male	71,205	68,723	63,123	65,609	64,130	50,461	86,958
Female	8,632	8,500	7,623	7,945	8,168	7,345	8,527

	Total separations by fiscal year						
	1986	1987	1988	1989	1990	1991	1992
Total:							
Male	95,239	93,672	86,475	84,494	85,521	66,786	128,126
Female	12,726	13,130	12,087	12,151	13,097	12,001	15,813

Note.—"Afro-Americans" is not a specifically tracked Racial Ethnic Designator Category (REDCAT) grouping. The "Black" REDCAT grouping includes non-Hispanic soldiers. Voluntary separation figures include retirements, but exclude discharges for the purpose of immediate reenlistment.

IMPACT ON MINORITY RETENTION (OFFICERS)

	Fiscal year							
	1985	1986	1987	1988	1989	1990	1991	1992
INVOLUNTARY SEPARATIONS								
Afro-Americans	224	257	316	294	290	313	184	220
Male	166	196	262	234	223	235	134	168
Female	58	61	54	60	67	78	50	52
Hispanic	32	20	41	32	37	35	26	38
Male	31	16	36	26	32	30	18	33
Female	1	4	5	6	5	5	8	5
Other	59	53	87	83	88	54	74	60
Male	47	42	70	73	59	52	63	42
Female	12	11	17	10	9	2	11	18
Total (priorities and whites)	1,301	1,292	2,058	1,962	1,937	1,901	1,241	1,410
Male	1,139	1,111	1,810	1,700	1,677	1,674	1,015	1,179
Female	162	181	248	262	260	227	226	231
VOLUNTARY SEPARATIONS								
Afro-Americans	496	596	581	528	543	579	464	960
Male	388	459	456	413	437	459	351	767
Female	110	137	125	115	106	120	113	193
Hispanic	96	108	68	97	96	125	83	206
Male	87	90	54	80	83	107	69	178
Female	9	18	14	17	13	18	14	28
Other	157	166	183	178	199	210	213	367
Male	124	131	151	152	171	174	185	325
Female	33	35	32	26	28	36	28	42
Total	6,669	7,346	7,536	7,407	7,436	8,326	6,359	11,505
Male	5,889	6,498	6,691	6,527	6,835	7,312	5,461	10,163
Female	780	848	845	880	801	1,014	898	1,342
OTHER								
Afro-Americans	41	44	55	22	20	24	109	56
Male	35	34	49	19	17	22	89	47
Female	6	10	6	3	3	2	20	9
Hispanic	1	4	3	4	3	2	21	20
Male	1	3	2	4	3	2	18	19
Female	0	1	1	0	0	0	3	1
Other	6	7	9	5	5	5	32	27
Male	6	5	7	2	5	4	25	24
Female	0	2	2	3	0	1	7	3
Total	234	286	304	203	171	205	664	679
Male	213	257	278	187	149	187	570	600
Female	21	29	26	16	22	18	94	79

IMPACT ON MINORITY RECRUITING

	1985	1986	Actual		Total Annual Recruiting			1992	1993
			1987	1988	1989	1990	1991		
Afro-Americans:									
Male	21,453	24,840	25,318	23,137	24,794	17,634	11,949	11,687	12,247
Female	5,191	5,290	6,120	5,785	6,905	5,033	3,757	4,270	3,247
Hispanic:									
Male	3,703	4,758	5,258	5,005	5,874	4,806	4,172	4,376	4,405
Female	400	516	622	607	827	683	599	773	839
Other:									
Male	3,528	4,123	3,495	2,980	3,132	2,312	2,047	2,034	2,490
Female	595	589	552	555	546	399	419	432	474
Total:									
Male	28,684	33,721	34,071	31,122	33,800	24,752	18,168	18,097	19,142
Female	8,186	6,395	7,294	6,947	8,278	6,115	4,775	5,475	4,560

NAVY DATA ON THE IMPACT OF THE FEDERAL PAY RESTRAINT ACT OF 1993

	Earn less than $30,000	Minorities				Number with families	Number of single parents	Food stamps	Annual dollars loss with freeze
		Black	Hispanic	Other/unknown	Total				
O–1 (less than 3 years of service)	7,857	476	304	62	842	2,554	61	[1]	577
H–6 (less than 14 years of service)	54,400	12,204	3,211	676	16,091	46,692	4,053		623
H–5	96,570	19,030	6,195	481	25,706	65,711	3,991		532
H–4	99,067	20,962	8,324	148	29,434	44,596	2,661		451
H–3	55,891	15,526	6,090	86	22,502	10,629	1,178		399
H–2	41,769	6,839	3,820	33	10,692	7,445	251		377
H–1	39,241	5,730	3,555	4	9,289	5,556	119		340
Total	395,625	80,767	31,499	1,490	114,556	191,103	12,314		NA

[1] From a DOD paper on the Food Stamp Program . . . "For a family of four, the current gross annual income limit to be eligible for the Food Stamp Program under Department of Agriculture guidelines income limit to be eligible for the Food Stamp Program under Department of Agriculture guidelines $16,510. In 1992, an E–2 with less than 2 years of service and a family size of four will receive $16,530.85 in basic pay and allowances, and would therefore not qualify for food stamps. According to our recently completed estimates, approximately. .94 percent of the active duty force, or about 19,740 members/households [qualify for food stamps]. If all military members, living on- or off- base were treated equally by the USDA in counting the value of housing received (currently on-base housing is not included in the income calculation), the number of eligibles would decrease to 0.55 percent, or 11,532 hosueholds out of an active duty force of approximately 2.1 million."

Note.—Total earning less than $30,000 (395,625) is 75 percent of total force, 85 percent of enlisted.

NAVY DATA ON THE IMPACT OF THE FEDERAL PAY RESTRAINT ACT OF 1993

	Earn less than $20,000	Minorities making below $20,000				With families	Number of single parents	Food stamps	Annual dollar loss with freeze
		Black	Hispanic	Other/Unknown	Total				
H–4 less than 3 years if service	24,978	4,995	665	3	5,668	10,990	499	(1)	451
H–3	55,891	15,526	6,890	86	22,502	18,629	1,178		399
H–2	41,789	6,839	3,820	23	1,230	7,445	251		377
H–1	39,241	5,730	3,555	4	9,289	5,556	119		340
Total	161,899	33,090	14,930	116	38,689	42,6?0	2,047		

[1] From a DOD paper on the Food Stamp . . . "For a family of four, the current gross annual income limit to be eligible for the Food Stamp Program under Department of Agriculture guidelines is $16,510. In 1992, an E–2 with less than 2 years of service and a family size of four will receive $16,530.85 in basic pay and allowances, and would therefore not qualify for food stamps. According to our recently completed estimates, approximately 0.94 percent of the active duty force, or about 19,740 members/households (quality for food stamps). If all military members, living on- or off-base were treated equally by the USDA in counting the value of housing received (currently on-base housing is not included in the income calculations), the number of eligibles would decrease to 0.55 percent, or 11,532 households out of an active duty force of approximately 2.1 million." Approximately 2,901 U.S. Navy Households.

Note.—Total earning less than $20,000 (161,899)—31 percent of total force and 35.6 percent of enlisted force.

IMPACT ON MINORITY RECRUITING

	Total annual recruiting													
	Actual								Estimated					
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Afro-Americans: Total (male and female)	12,430	14,953	16,658	18,110	19,220	14,837	11,183	10,282	7,277	6,640	7,399	7,917	7,919	7,812
Hispanic: Total (male and female)	6,042	7,251	7,904	7,630	8,297	7,466	7,400	7,060	5,458	4,980	5,549	5,938	5,939	5,859
Other—No statistics kept[1]														
Total minorities: Total (male and female)	18,471	22,204	24,562	25,720	27,517	22,303	18,583	17,342	12,735	11,620	12,948	13,855	13,848	13,671
Total accessions:														
Male	73,083	79,612	80,057	80,358	78,515	62,518	60,812	49,747	52,890	49,373	55,446	57,006	57,265	56,428
Female	9,757	8,871	7,736	9,873	10,864	7,974	6,427	8,226	7,752	5,963	6,212	7,007	6,765	6,710
Total all accessions	82,840	88,483	87,793	90,231	89,379	70,492	67,239	57,973	60,641	55,336	61,658	64,013	64,030	63,138

[1] Afro-Americans and Hispanics are the only minorities that are tracked separately in total accession numbers.

Note.—Numbers reflect Non-Prior Service male and female accessions. Minority female numbers are not tracked separately. Accession estimated are based on OSD accession data.

IMPACT ON MINORITY RETENTION

	Actual fiscal year								Estimated fiscal year					
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
INVOLUNTARY SEPARATIONS														
Afro-Americans:														
Male	6,087	7,752	7,322	9,830	7,705	9,459	9,434	9,137	(1)					
Female	689	998	817	1,268	1,034	1,313	1,583	1,374						
Hispanic:														
Male	2,013	2,550	2,496	3,276	2,774	3,710	4,158	3,933						
Female	147	249	240	296	321	446	612	518						
Other:														
Male	1,190	1,280	1,076	1,474	1,314	1,671	2,113	1,509						
Female	103	148	98	157	149	183	304	183						
Total:														
Male	9,162	11,396	10,680	14,362	11,587	14,563	15,372	14,271						
Female	912	1,376	1,124	1,688	1,477	1,196	2,466	2,048						
VOLUNTARY SEPARATIONS														
Afro-Americans:														
Male	1,637	1,837	1,673	1,883	1,623	1,712	1,931	3,005	(1)					
Female	262	408	319	369	360	439	463	567						
Hispanic:														
Male	613	757	714	770	719	768	894	1,412						
Female	89	137	128	163	145	130	203	266						
Other:														
Male	391	490	462	522	553	533	756	697						
Female	56	76	82	73	81	75	153	117						
Total:														
Male	2,641	3,084	2,849	3,175	2,895	3,013	3,581	5,114						
Female	407	621	529	605	581	644	819	950						

[1] The Navy does not have an established voluntary/involuntary separation goal. An estimated number could be derived based upon historical data as a percentage of annual separation vs. annual active population. However, in view of the downsizing initiatives programmed for the foreseeable future, even historical percentages would be skewed.

MARINE CORPS DATA ON THE IMPACT OF THE FEDERAL PAY RESTRAINT ACT OF 1993

	Earn less than $20,000	Minorities making below $20,000				With families	Single parents	Food stamps	Annual dollar loss with freeze[1]
		Black	Hispanic	Other	Total				
E–4 (Years of service less than 3)	310	55	24	10	89	169	20	(2)	451
E–3	53,485	8,718	4,695	1,918	15,331	16,028	104		399
E–2	19,029	2,798	1,589	734	5,121	2,462	3		377
E–1	10,754	1,760	942	479	3,181	982	8		340
Total	83,578	13,331	7,250	3,141	23,722	19,641	135		

[1] The annual dollar loss with a pay freeze in place should be uniform across the services.
[2] See Note 2 of Naval input. Marine Corps data on this variable is not tracked nor is it available.

Note.—The total earning less than $20,000 is 83,578 or 44 percent of the total force, 50 percent of the enlisted force. The above data, with the exception of the last three columns, was taken from the Manpower Statistics for Manpower Managers (October 1992).

MARINE CORPS DATA ON THE IMPACT OF THE FEDERAL PAY RESTRAINT ACT OF 1993

Grade	Earn less than $30,000	Minorities				Number with families	Number of single parents	Food stamp eligibility
		Black	Hispanic	Other	Total			
O–1	1,514	133	107	99	339	903	10	(1)
E–7	162	2,137	714	285	3,136	8,930	626	
E–6	15,524	3,865	1,031	401	5,297	13,672	1,042	
E–5	23,696	6,303	1,667	727	8,697	18,052	1,066	
E–4	30,605	5,500	2,424	1,054	8,978	14,886	757	

MARINE CORPS DATA ON THE IMPACT OF THE FEDERAL PAY RESTRAINT ACT OF 1993—Continued

Grade	Earn less than $30,000	Minorities				Number with families	Number of single parents	Food stamp eligibility
		Black	Hispanic	Other	Total			
E–3	51,276	8,718	4,695	1,918	15,331	13,627	707	
E–2	20,780	2,798	1,589	734	5,121	2,144	66	
E–1	11,571	1,760	942	479	3,181	957	59	
Total	155,128	31,214	13,169	5,697	50,080	73,171	4,333	

[1] From a DoD paper on the Food Stamp Program . . . "For a family of four, the current gross annual income limit to be eligible for the Food Stamp Program under Department of Agriculture guidelines $16,510. In 1992, an E–2 with less than 2 years of service and a family size of four will receive $16,530.85 in basic pay and allowances, and would therefore not qualify for food stamps. According to our recently completed estimates, approximately .94 percent of the active duty force, or about 19,740 members/households [qualify for food stamps]. If all military members, living on- or off-base were treated equally by the USDA in counting the value of housing received (currently on-base housing is not included in the income calculation), the number of eligibles would decrease to .55 percent, or 11,532 households out of an active duty force of approximately 2.1 million."

Note.—In formulating these numbers we determined the number with families include any dependent (parent, non-custodial child, etc.) The same applies to number of single parents—there is a financial impact regardless of whether the dependent (child) resides with the servicemember or not.

IMPACT ON MINORITY RECRUITING (OFFICER)

	Total annual recruiting													
	Actual fiscal year								Estimated fiscal year					
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Afro-Americans									88	106	100	100	103	122
Male	112	97	88	106	111	85	74	92						
Female	3	1	5	9	9	5	6	2						
Hispanic									52	64	61	63	65	78
Male	41	67	43	73	72	50	64	65						
Female	1	0	2	1	1	3	5							
Other									32	39	37	38	39	46
Male	31	43	43	47	56	71	53	52						
Female	0	1	3	5	3	1	1	5						
Caucasian									1,018	1,191	1,082	1,049	1,043	1,204
Male	1,431	1,519	1,324	1,473	1,354	1,363	1,238	1,248						
Female	58	50	61	53	92	40	59	32						
Total:.														
Male	1,615	1,726	1,498	1,699	1,593	1,569	1,429	1,452	1,125	1,335	1,215	1,185	1,185	1,385
Female	62	52	71	68	105	49	71	43	65	65	65	65	65	65

IMPACT ON MINORITY RECRUITING (ENLISTED) (ACTIVE DUTY PLUS RESERVES)

	Total annual recruiting—fiscal year							
	1985	1986	1987	1988	1989	1990	1991	1992
Afro-American	8,328	7,690	7,665	7,780	7,008	7,070	5,064	4,598
Male	7,785	7,135	7,238	7,209	6,393	6,580	4,700	4,300
Female	543	555	427	571	615	490	364	298
Hispanic	2,024	2,286	2,492	3,141	3,126	3,429	3,027	3,095
Male	1,957	2,181	2,381	2,995	2,948	3,272	2,883	2,946
Female	67	105	111	146	178	157	144	149
Other	1,371	1,896	1,670	1,437	1,366	1,562	1,426	1,523
Male	1,282	1,789	1,581	1,355	1,285	1,468	1,330	1,435
Female	89	107	89	82	81	94	96	88
Caucasian	31,493	31,636	30,430	31,418	29,161	28,923	26,875	27,821
Male	29,724	29,981	29,065	29,911	27,740	27,747	25,706	26,636
Female	1,769	1,655	1,365	1,507	1,421	1,176	1,169	1,185
Total:	43,216	43,508	42,257	43,776	40,661	40,984	36,392	37,037
Male	40,748	41,086	40,265	41,470	38,366	39,067	34,067	35,317
Female	2,468	2,422	1,992	2,306	2,295	1,917	1,773	1,720

ENLISTED ACTIVE DUTY PROJECTIONS [1]

	Fiscal year—					
		1993	1994	1995	1996	1997
NPS cessions	34,800	30,815	31,279	29,496	29,856	31,739

[1] Enlisted recruiting is not projected by race.

	Fiscal year—							
	1985	1986	1987	1988	1989	1990	1991	1992
OFFICERS								
Involuntary:								
White:								
Female	14	16	12	9	13	10	20	25
Male	471	409	277	323	309	283	445	446
Black:								
Female	0	1	1	1	0	2	1	4
Male	47	27	24	31	21	37	33	43
Hispanic:								
Female	0	2	0	0	0	0	0	0
Male	5	9	8	11	6	9	12	21
Other:								
Female	0	2	0	0	1	1	1	1
Male	11	9	6	8	5	6	12	14
All:								
Female	14	21	13	10	14	13	22	30
Male	534	454	315	373	341	335	502	524
Voluntary:								
White:								
Female	29	35	32	44	28	41	156	69
Male	1,019	1,035	916	1,105	1,042	1,244	3,349	1,476
Black:								
Female	0	1	3	2	4	4	14	3
Male	39	40	50	51	34	62	143	66
Hispanic:								
Female	1	1	0	0	1	2	5	1
Male	13	14	16	19	19	25	61	43

	Fiscal year—							
	1985	1986	1987	1988	1989	1990	1991	1992
Other:								
Female	1	1	1	3	2	1	5	1
Male	11	12	13	18	12	35	69	25
All:								
Female	31	38	36	49	35	48	180	74
Male	1,082	1,101	995	1,193	1,107	1,366	3,622	1,610
ENLISTED								
Involuntary:								
White:								
Female	525	746	517	721	698	610	637	597
Male	8,361	12,949	8,857	10,941	8,907	8,896	8,048	9,679
Black:								
Female	130	179	152	167	210	180	189	194
Male	2,421	3,059	2,323	2,979	2,482	2,499	2,216	2,633
Hispanic:								
Female	11	31	24	38	38	37	45	45
Male	398	616	446	718	596	602	591	811
Other:								
Female	13	27	29	21	36	36	40	22
Male	244	419	334	389	298	339	333	412
All:								
Female	679	983	722	947	982	863	911	858
Male	11,424	17,043	11,960	15,027	12,283	12,336	11,188	13,535
Voluntary:								
White:								
Female	891	766	824	827	796	711	1,493	896
Male	16,713	12,375	15,438	15,050	13,435	11,742	35,605	18,356
Black:								
Female	200	155	237	267	249	226	505	358
Male	3,442	2,389	3,012	3,125	2,895	2,683	8,036	4,426
Hispanic:								
Female	42	32	35	35	53	73	137	106
Male	1,099	729	850	1,037	954	1,113	3,660	2,016
Other:								
Female	24	26	34	36	45	52	87	62
Male	501	466	457	543	532	595	1,981	820
All:								
Female	1,157	979	1,130	1,165	1,143	1,062	2,222	1,422
Male	21,755	15,959	19,757	19,755	17,816	16,133	49,282	25,618

AIR FORCE DATA ON THE IMPACT OF THE FEDERAL PAY RESTRAINT ACT OF 1993 (EARNINGS LESS THAN $20,000)

	Earn less than $20,000	Minorities				Number with families	Number of single parents	Food stamp eligibility	Annual dollar loss with freeze
		Black	Hispanic	Other	Total				
E–4 (less than 2 years of service)	172	31	6	6	43	56	3	0	436
E–3 (less than 4 years of service)	45,553	5,466	1,548	1,205	8,219	9,763	329	14	430
E–2	20,974	2,097	440	402	2,939	2,328	61	98	377
E–1	11,849	1,540	355	402	2,297	291	15	49	340
Total	78,548	9,134	2,349	2,015	13,498	12,438	408	161	NA

Note.—Total earning less than $20,000 (78,548) is 18 percent of total force, 22 percent of enlisted force. Total minorities (13,498) is 3 percent of total force, 4 percent of enlisted force. Total with families (12,438) is 3 percent of total force, 4 percent of enlisted force. Food Stamp eligibles based on several assumptions due to unavailability of data on individual circumstances (for example, savings, other family income, and so forth), eligibles were assumed to have no spousal/part-time income and assume to receive all cash allowances verses government quarters and meals. The assumptions offset each other as those not receiving cash allowances (that is, government quarters/meals provided) increase eligibles as these in-kind benefits are not included in USDA food stamp eligibility calculations. However, the increase is offset by the large numbers not qualifying because of savings/other income. Annual dollar loss with the pay freeze shows typical pay raise that will be foregone if the current statutory 2.2 percent raise (for fiscal year 1994) in basic pay, BAQ, and BAS is eliminated.

AIR FORCE DATA ON THE IMPACT OF THE FEDERAL PAY RESTRAINT ACT OF 1993 (EARNINGS LESS THAN $30,000)

	Earn less than $30,000	Minorities				Number with families	Number of single parents	Food stamp eligibility	Annual dollar loss with freeze
		Black	Hispanic	Other	Total				
O–1 (less than 3 years of service)	5,767	230	57	249	536	1,130	35	1	577
E–6 (less than 14 years of service)	18,173	3,271	726	697	4,694	13,315	486	147	623
E–5	80,655	15,324	3,226	2,830	21,380	54,578	2,462	482	532
E–4	100,012	18,002	3,500	3,150	24,652	48,081	2,067	575	451
E–3	45,971	5,516	1,563	1,218	8,297	9,976	346	110	399
E–2	20,974	2,097	440	402	2,939	2,328	61	98	377
E–1	11,849	1,540	355	402	2,297	291	15	49	340
Total	283,401	45,980	9,867	8,948	64,795	129,699	5,472	1,462	NA

Note.—Total earning less than $30,000 (283,401) is 64 percent of total force, 77 percent of enlisted force. Total minorities (64,795) is 15 percent of total force, 18 percent of enlisted force. Total with families (129,699) is 29 percent of total force, 36 percent of enlisted force. Food stamp eligibles based on several assumptions due to unavailability of data on individual circumstances (for example, savings, other family income, et cetera), eligibles were assumed to have no spousal/part-time income and assumed to receive all cash allowances versus Government quarters and meals. The assumptions offset each other as those not receiving cash allowances (that is, Government quarters/meals provided) increase eligibles as these in-kind benefits are not included in USDA food stamp eligibility calculations. However, the increase is offset by the large numbers not qualifying because of savings/other income. Annual dollar loss with the pay freeze shows typical pay raise that will be foregone if the current statutory 2.2-percent raise (for fiscal year 1994) in basic pay, BAQ, and BAS is eliminated.

	Fiscal year—	
	1991	1992
OFFICERS		
Voluntary:		
White:		
Female		1
Male		7
All:		
Female		1
Male		7
Involuntary:		
White:		
Female	1	7
Male	154	159
Black:		
Female	0	3
Male	9	12
Hispanic: Male	3	6
Other:		
Female	1	0
Male	6	4
All:		
Female	2	10
Male	172	181
ENLISTED		
Involuntary:		
White:		
Female	0	25
Male	14	584
Black:		
Female	0	24
Male	10	360
Hispanic: Male	1	87
Other:		
Female	0	1
Male	0	28
All:		
Female	0	50
Male	25	1,059
Voluntary:		
White:		
Female		30
Male		509
Black:		
Female		11
Male		133
Hispanic:		
Female		2
Male		48
Other:		
Female		1
Male		19
All:		
Female		44
Male		709

ENLISTED PLANNED SEPARATIONS

Planned involuntary separations

(Due to downsizing or otherwise qualified to reenlist but were denied)

Fiscal year:	
1993	1,470
1994	1,610
1995	1,610
1996	1,860
1997	1,860
1998	1,860

Planned voluntary separations

(Voluntary Separation Incentive/Special Separation Benefit Programs)

Fiscal year:	
1993	1,300
1994	600
1995	700
1996	(1)
1997	(1)
1998	(1)

Total planned losses

Fiscal year:	
1993	39,349
1994	35,694
1995	34,768
1996	34,992
1997	34,943
1998	32,271

[1] Program canceled after fiscal year 1995.

Note: Losses are not projected by race.

OFFICER PLANNED SEPARATIONS

Planned involuntary separations

(Due to failure of selection to promotion (twice passed) and failure to augment)

Fiscal year:	
1993	335
1994	315
1995	315
1996	315
1997	315
1998	315

Planned voluntary separations

(Voluntary Separation Incentive/Special Separation Benefit Programs)

Fiscal year:	
1993	11
1994	265
1995	100
1996	(1)
1997	(1)
1998	(1)

Total planned losses

Fiscal year:	
1993	2,090
1994	1,997
1995	1,969
1996	1,812
1997	1,868
1998	1,549

[1] Program canceled after fiscal year 1995.

Note: Losses are not projected by race.

TOTAL OFFICER AND ENLISTED ACCESSIONS: FISCAL YEAR 1985–92

	Male	Female	Total
Fiscal year 1985:			
Blacks	8,107	2,371	10,478
Caucasian	50,298	9,785	60,083
Hispanic	1,718	281	1,999
Other	1,398	268	1,666
Total	61,521	12,705	74,226
Fiscal year 1986:			
Blacks	8,084	2,484	10,568
Caucasian	46,580	10,126	56,706
Hispanic	1,592	259	1,851
Other	2,565	560	3,125
Total	58,821	13,429	72,250

TOTAL OFFICER AND ENLISTED ACCESSIONS: FISCAL YEAR 1985–92—Continued

	Male	Female	Total
Fiscal year 1987:			
Blacks	6,101	2,139	8,240
Caucasian	42,654	9,038	51,692
Hispanic	1,529	274	1,803
Other	1,554	384	1,938
Total	51,838	11,835	63,673
Fiscal year 1988:			
Blacks	4,239	1,601	5,840
Caucasian	32,305	7,580	39,885
Hispanic	1,042	217	1,259
Other	1,054	279	1,333
Total	38,650	9,677	48,317
Fiscal year 1989:			
Blacks	4,067	1,684	5,751
Caucasian	34,034	8,687	42,721
Hispanic	1,001	272	1,273
Other	1,224	387	1,611
Total	40,326	11,030	51,356
Fiscal year 1990:			
Blacks	3,346	1,414	4,760
Caucasian	28,071	6,767	34,838
Hispanic	773	233	1,006
Other	884	212	1,096
Total	33,074	8,626	41,700
Fiscal year 1991:			
Blacks	2,316	1,084	3,400
Caucasian	23,887	6,192	30,079
Hispanic	769	238	1,007
Other	713	228	941
Total	27,685	7,742	35,427
Fiscal year 1992:			
Blacks	2,954	1,204	4,158
Caucasian	26,666	6,968	33,634
Hispanic	894	244	1,138
Other	822	251	1,073
Total	31,336	8,667	40,003

MINORITY SEPARATIONS: FISCAL YEAR 1985–92

	Voluntary	Involuntary	Total
Fiscal year 1985:			
Black	3,443	3,974	7,417
Hispanic	1,640	703	2,343
Other	1,269	618	1,887
Total	39,738	20,997	60,735
Fiscal year 1986:			
Black	3,162	4,979	8,141
Hispanic	1,348	780	2,128
Other	1,056	805	1,861
Total	33,122	22,096	55,218
Fiscal year 1987:			
Black	2,981	3,293	6,274
Hispanic	1,110	686	1,796
Other	1,029	704	1,733
Total	30,438	19,381	49,819
Fiscal year 1988:			
Black	3,697	3,749	7,446
Hispanic	1,425	881	2,306
Other	1,645	879	2,524
Total	39,662	22,291	61,953
Fiscal year 1989:			
Black	2,707	2,286	4,993
Hispanic	1,012	406	1,418
Other	1,146	436	1,582
Total	27,356	12,706	40,062
Fiscal year 1990:			
Black	5,206	2,422	7,628
Hispanic	1,809	475	2,284
Other	2,108	495	2,603
Total	46,469	12,686	59,155
Fiscal year 1991:			
Black	3,864	1,633	5,497
Hispanic	1,287	326	1,613
Other	3,211	333	3,544
Total	33,838	9,615	43,453
Fiscal year 1992:			
Black	6,171	2,072	8,243
Hispanic	1,963	420	2,383
Other	3,724	462	4,186
Total	50,932	12,018	62,950

REPORTING REQUIREMENTS FOR EDUCATIONAL ORGANIZATIONS WHICH PROVIDE PROGRAMS TO MINORS FOR A FEE

Mr. DOLE. Mr. President, hardly a week goes by that I do not meet with students who are in town on one education program or another. I am sure that you are familiar with such organizations as Presidential Classroom, the Close-up Foundation, or the Congressional Youth Leadership Council [CYLC]. In my view, these programs do a fantastic job of providing insight into the Washington process.

However, as many Members know from a letter that I distributed last November, I am concerned about questionable recruiting practices that some organizations have used, I was particularly troubled by the CYLC.

Since that letter was distributed, my staff, along with Senator METZENBAUM's staff, have participated in an extensive series of meetings with the CYLC. I should note that these meetings were initiated at the request of CYLC. And they were productive meetings. If we raised a question or concern, CYLC promised to fix it.

In short, CYLC resolved my concerns, and this was not without cost to the CYLC. They destroyed any stock which I found to be questionable, and have replaced them with new materials and new policies. For instance, they now specifically inform students how they were selected by sending a letter of explanation to the parents. Additionally, CYLC's board has authorized the development of a scholarship program to help low-income children and students with disabilities pay for the week. CYLC will also be setting up meetings with Senate offices to inform them of these reforms.

Some have raised concerns that the CYLC has conflicts of interest and has improper financial dealings. After reviewing the facts, I am satisfied that this is not true.

Mr. President, the measure which Senator METZENBAUM and I introduced yesterday is a consumer protection measure. It only seems right to me that we provide safeguards which provide student recruits with enough information to make an informed decision.

In short, this measure would require affected organizations to disclose how students were selected, provide a breakdown of program costs, and institute nondiscriminatory enrollment policies. The Secretary of Education would review any complaints, and would have authority to levy a fine of $1,000 for each violation.

Additionally, the measure would require that these organizations which establish for-profit organizations and subcontract work out to them disclose the salaries of any employee which is officially connected with the primary nonprofit organization. For those who are familiar with nonprofits, you know that they will develop secondary for-profit groups to drive down the cost of services. This strategy is commonly referred to as hub architecture, and these secondary organizations must provide

services at the market rate or lower. This reporting provision ensures that these organizations are above the board and are not skimming profits.

No doubt about it, CYLC has used questionable recruiting practices. But that is in the past. As I stated earlier, they have participated in lengthy meetings to resolve their problems, and did so in good faith. They now understand that they have an outstanding program that can survive on merit alone.

I should note that CYLC supports this legislation. And they should, as it basically codifies the high standards that they have already agreed to.

Mr. President, it is not very often that my distinguished colleague, Senator METZENBAUM, and I will vote the same way, and even less often will we introduce legislation together.

However, this legislation, I think, is something we can all agree upon, primarily because we are trying to protect young people from being recruited and the parents being charged a big fee for some course in Washington that never exists or that rarely exists. We think it is an opportunity to protect young people who want to visit Washington and also protect their parents who generally pay for the trips.

JUDGE HARRY FISHER: 1887–1993, 106 YEARS OF EXCELLENCE, A SOUTHEAST KANSAS LEGEND

Mr. DOLE. Mr. President, this Thursday, a Kansas giant will be laid to rest after a truly remarkable 106 years of life. My good friend, Judge Harry Fisher, passed away on Monday in his beloved Fort Scott, where for more than a century he inspired everyone who was fortunate enough to know him, to learn from him, and to watch him set the standard for conduct in public service.

Judge Fisher was tough, but he was always fair, and when he talked, you listened. Why not? After all, the State of Kansas was only 26 years old when the Judge was born on January 29, 1887. No doubt about it, he saw it all during his distinguished career as a county attorney, a State legislator, a teacher, a bankruptcy arbitrator, and later the judge for the Sixth Judicial District of Kansas.

Harry Fisher retired at the age of 73, but true to his career of excellence and dedication, he spent the next 33 years dispensing his special common sense and wisdom.

I was proud to call him friend, and whenever I was in southeast Kansas I was always glad to see him. Like most Kansans, he was fiercely independent, which is why he was so proud to tell his friends on his 100th birthday that he had just renewed his driver's license. That was Harry Fisher alright.

He was a one-of-a-kind Kansan, a legend—and you cannot replace a legend.

I send my prayers and sympathies to his family as I remember my friend, Judge Harry Fisher.

WICHITA: AN ALL-AMERICAN CITY

Mr. DOLE. Mr. President, we were all pleased, but not surprised, that the National Civic League picked Wichita as an All-American City Saturday in ceremonies in Tampa, FL. Mayor Elma Broadfoot and the many others in Wichita who prepared the city's presentation deserve an enormous amount of credit for their efforts.

Last year, Wyandotte County was one of 10 national All-America winners. Lindsborg, a finalist for this prestigious award last year, was again honored as a finalist this year.

I am pleased to have been supportive of at least one of the several programs Wichita used to demonstrate their excellence—Project Freedom. Two years ago, I became acquainted with and supported Project Freedom and its most admired substance abuse prevention programs that counsel and educate at-risk youth and mothers, as well as other volunteer programs that contribute to community improvement.

Of significance are the other programs that were singled out in Wichita—the Isley Summer Youth Academy and the Northeast Area Community Restoration Project. Two fine programs that should be singled out for recognition regardless of whether Wichita won this prestigious award or not.

Mr. President, all of Kansas is proud of Wichita as an All-America City winner. National recognition is quite an achievement, one which I salute the citizens of Wichita for this honor today. I know my colleague, Senator KASSEBAUM, joins in that statement.

TRAVELGATE

Mr. DOLE. Mr. President, every American should be deeply concerned when powerful figures in the executive branch try to strong-arm the FBI to further their own political agenda.

But that seems to be the case, as the news media continue to dig up more disturbing evidence that the White House has added abuse of power to the laundry list of alarming revelations in the unfolding Travelgate affair.

News reports suggest that the FBI's chief spokesman was summoned to the White House last Friday to meet with the White House communications staff, the White House legal counsel, and with David Watkins, head of the White House Office of Management and one of the key figures in the eye of the Travelgate storm.

After the meeting, the FBI spokesman reportedly returned to his office to draft a highly unusual statement indicating there was "sufficient information for the FBI to determine that additional criminal investigation is warranted" into the practices of the White House travel office.

The White House communications staff subsequently released the statement, without the FBI's approval and without even the FBI's knowledge. The statement appeared on Justice Department stationery.

If this is true, Travelgate is no longer a perception problem, it is an outright scandal.

Mr. President, I have enormous respect for the FBI and its employees. In fact, several years ago, I authored legislation increasing the rate of overtime pay for FBI agents out in the field.

So, it concerns me when a few loose cannons in the White House try to exploit the FBI to further their own unseemly political agenda.

I agree with Attorney General Reno when she reportedly raised concerns yesterday that the White House had ignored existing policies designed to prevent politics from interfering with the FBI's work.

And I agree with a high-ranking FBI official who is quoted in the Washington Times today as saying, and I quote:

> The FBI cannot be identified as a friend or a foe of any administration. It has to be perceived as neutral in all cases. On its surface, this unusual announcement served no purpose other than to legitimize a political decision.

Mr. President, later today, I intend to send a letter to the chairman of the Senate Judiciary Committee, my distinguished colleague Senator BIDEN, and to the committee's ranking member, Senator HATCH, asking them to conduct a full committee hearing to get to the bottom of this latest flap in the Travelgate affair.

The American people want some answers to the charges of political cronyism. And they deserve some explanation for this highly unusual, and very disturbing, abuse of power.

Mr. President, I do not know the guilt or innocence of anybody who was fired, but they do have families and I think they are entitled to some notice before the FBI is called in and they are, in front of all the American people, at least perceived to be guilty of some criminal activity. We do not know if anybody was, or if one was, or two out of the seven, whatever.

I know that this is all done in the effort to save the taxpayers money and to make it cheaper for the press to travel, even though an earlier memo indicated the ones who were fired were "too pro press."

Since they were concerned about competitive bidding, I think they say there was an audit, which really was not an audit, by Peat Marwick. I wonder if that was subject to competitive bidding.

Did they ask other accounting firms to bid on this hurried-up audit. Was it an audit? Was it performed by someone

who was working on Vice President GORE's staff on efficiency in Government?

I think all these questions need to be answered. Was their competitive bidding from a number of accounting firms? That seems to be the bottom line at the White House. They wanted everything to be competitive. So I think that is a question that ought to be raised.

But beyond that, I think it is truly disturbing that the FBI should be used in this manner by anybody—by anybody. It takes you back to Watergate, and as a Republican I can tell you of some of the repercussions of that and of that practice.

I know that the Democrats control the White House, and they control the Congress. But I am hoping in this case we can have a fair and a complete investigation so that we can exonerate the FBI. After all, they have a highly responsible agenda in this country, and we want to make certain that they were not involved in this in any way. Sooner or later, I think, Mr. President, someone at the White House is going to have to explain precisely what happened and why it happened and not just keep saying, well, this is not going to happen again; we are not going to do this next week.

What will they do next week? That is another question the American people would like to have answered.

Mr. President, I reserve the remainder of my leader's time.

HEALING FOR VICTIMS OF TORTURE

Mr. DURENBERGER. Mr. President, I rise to address a growing human rights concern—the treatment of victims of torture.

Torture is one of the most effective, long-term weapons against democracy. Repressive governments frequently target those groups and individuals who are struggling on behalf of human rights and democratic principles. Torture is intended to destroy the personality of civic leaders and instill fear in the whole of society.

Providing rehabilitative services to those who have been tortured invests in recovering the leadership of an emerging democracy. It provides healing to the victims and allows them to reclaim their lives and resume their roles in promoting a pluralist society that respects human rights.

The rehabilitation movement has grown from a single center in 1979 to more than 60 programs around the world. These exist not only in countries of exile, but also in many countries whose governments are or were until recently engaged in torture. Many are tolerated by their governments. The United Nations Voluntary Fund for Victims of Torture provides assistance to centers, but it operates with a minimal budget. Some governments—such as those of Denmark and Sweden—provide bilateral assistance to treatment programs in other countries.

During the confirmation hearings for John Shattuck as Assistant Secretary of State for Human Rights and Humanitarian Affairs, I submitted several questions to Mr. Shattuck concerning the treatment of torture victims and the U.N. Voluntary Fund for Victims of Torture. I ask unanimous consent to insert these questions and Mr. Shattuck's responses in the RECORD immediately following my remarks.

I also ask unanimous consent that the text of an article by Washington Post columnist Coleman McCarthy printed in the Minneapolis Star Tribune be included in the RECORD. This article addresses the work done by centers that treat torture victims, specifically the program at the Center for Victims of Torture in Minneapolis.

The Center for Victims of Torture is the country's first center designed specifically to treat victims of torture. I am very grateful to Doug Johnson, executive director of the Center, and the entire staff for the leadership they continue to provide on this issue.

Mr. President, in this post-cold war world, the United States has the opportunity to jointly promote democracy and protect human rights by supporting the movement to heal the victims of torture. I urge my colleagues to seriously consider how we as a nation can contribute to this important human rights issue.

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

QUESTION FOR THE RECORD SUBMITTED TO JOHN SHATTUCK, SENATE FOREIGN RELATIONS COMMITTEE, MAY 7, 1993

Q1. What is your assessment of the work of the United Nation's Voluntary Fund for Victims of Torture?

A. I consider torture to be one of the most egregious abuses of human rights and support fully any efforts to care for torture victims.

I am impressed with the work of the UN Voluntary Fund for Victims of Torture and look forward, if confirmed, to giving maximum US support for its activities. I especially would welcome the opportunity to become more familiar with the work of the Center for Victims of Torture in Minneapolis.

Q2. In your view, how does the Fund relate to the administration's objectives of promoting human rights and democratic institutions?

A. As you know, promoting human rights and democracy is a major objective of US foreign policy in the Clinton administration.

If confirmed as Assistant Secretary of the Bureau of Human Rights and Humanitarian Affairs, my overriding goal will be to alleviate the suffering of people around the world who are abused by their governments.

I believe we can do this by monitoring violations of human rights, reporting on them, working with governments to eliminate these violations, and assisting victims who have been abused.

I view the UN Voluntary Fund for Victims of Torture as an excellent example of how the US administration can work through multilateral institutions as well as on a bilateral basis to address human rights concerns.

Q3. What will the administration do to encourage other governments to increase their contributions to the Voluntary Fund?

A. I have been impressed by the need for greater resources in all of the UN's human rights programs. One of the administration's major objectives at the World Conference on Human Rights in Vienna in June will be to strengthen the Human Rights Center and to urge that it have adequate resources to carry out its responsibilities.

With regard specifically to the Voluntary Fund for Victims of Torture, I would recommend that the administration continue to contribute to the Fund as it has for FY-93 ($500,000). I would hope that the US example might encourage other governments to make their own contributions to the Fund.

Q4. The United Nations Commission on Human Rights at its recent meetings recommended a pledging session for the Fund at the World Conference on Human Rights. What steps will the Department take to make such a session successful?

A. I would recommend, if confirmed, that the Department set an example at the Conference by reaffirming its own strong financial support for the Fund and encouraging other governments to make similar contributions.

Q5. There are estimates of tens of thousands of Moslem women and girls in Bosnia having been raped, and who now suffer from post traumatic stress disorders. Does AID plan to provide assistance to these rape victims? If so, what kind of assistance, when, and in what manner will it be provided?

A. As announced last month, the U.S. government will provide $6.75 million to assist victims of violence, rape, and torture in the former Yugoslavia. Of this amount, AID will provide over $5 million for projects that include providing counseling, support, and services to the victims of rape and violence; training and upgrading the skills of rape and violence; training and upgrading the skills of medical professionals and community workers who are treating these victims; establishing three hospital partnerships to link U.S. hospitals and providers with treatment centers in the area; and providing emergency medical supplies through Project Hope.

Q6. There have been numerous suggestions that AID support bilateral programs providing treatment to torture victims because it would enable the United States to direct efforts at particular countries where we are especially interested in promoting human rights and democratic institutions. What is your perspective on such suggestions? Do you believe the United States should pursue bilateral programs of this kind?

A. You may be aware that grants have already been made under Section 116(e) of the Foreign Assistance Act to programs in Ghana and Chad which provide services to victims of torture.

If confirmed, I would continue to support such programs in addition to the multilateral efforts undertaken by the UN Voluntary Fund for Victims of Torture.

[From the Minneapolis Star Tribune, May 15, 1993]

HEALING THE WOUNDS OF TORTURE FOR ONLY A FEW OF MANY VICTIMS

(By Colman McCarthy)

In the spacious living room of a bulky three-story house on a bluff above the Mis-

sissippi River, an Ethiopian man and woman sat across from each other on sofas.

They spoke but not much. I would have interviewed them except here at the Center for Victims of Torture in Minneapolis a house rule holds that the patients are to be left alone by the media.

This right to anonymity is sensible and necessary.

The reasons include confidentiality, personal security and protection from newspeople who might aggress with our customary in-your-face pryings. How did you feel when the secret police applied electric shocks to your genitals, or what kind of nightmares did you have during your two years in a dungeon and are you still having them?

Answers to those questions aren't needed to learn that the center is a sanctuary of peace and mending for survivors of politically motivated torture.

Since May 1987, more than 400 torture victims from 32 countries have been served as outpatients by a staff that includes physicians, nurses, psychiatrists and social workers.

A third of the patients are Ethiopians. Minnesota is home to 2,000 Ethiopian refugees, with an estimated 80 percent having been tortured by one of Africa's most brutal regimes.

Amnesty International reports that in the 1980s, the torture methods used against Ethiopians "included beating on the soles of the feet, with the victims tied to an inverted chair or hung upside down by the knees and wrists from a horizontal pole; electric shocks; sexual torture, including rape of women prisoners or tying a heavy weight to the testicles; burning parts of the body with hot water or oil; and crushing the hands or feet."

Helping survivors come back physically and emotionally from that trauma is the work of Douglas Johnson, director of the center and a past winner of the Letelier-Moffitt human rights award.

"Torture is widespread," Johnson said while standing before a Hmong tapestry in the foyer of the center. "We think there are at least 200,000 survivors in the United States. People who are torture victims were usually leaders of their community. The government had decided to disable them as part of a political strategy."

The full-treatment center, which is nonprofit and given $1-a-year rent by the University of Minnesota on its East Bank campus, is the only one of its kind in the United States. Other sites include Copenhagen, London and Toronto.

The idea for the program originated in 1985 with former Gov. Rudy Perpich, a liberal Democrat who conjectured—rightly, it turned out—that in politically progressive Minnesota volunteers would rally behind the center.

Many have. More than 100 volunteers, in addition to the professional staff of 25, are part of the program.

Until lately, ministering to torture victims has been a side interest, if that, among human rights groups.

Their missions have ranged from exposing governments that torture to rounding up the oppressors for prosecution.

While that's been going on, professionals dealing with tortured refugees and asylum-seekers suffering post-traumatic stress disorders have been largely on their own.

The comparative neglect of the treatment side of the human rights movement shows up in the international lack of financial support.

In 1981, the United Nations created the Voluntary Fund for Victims of Torture.

A decade later, few governments were showing interest.

In 1992, the fund dispensed only $1.6 million, which was half the amount requested from centers around the world.

The United States, which sells arms to large numbers of torturing governments—Saudi Arabia. Israel. Turkey, Guatemala, Indonesia, among others—kicked in $100,000 a year, and some years nothing.

The assessment of Douglas Johnson is accurate: "Relative to the size of our economy and our population, the U.S. contribution appears callous."

A dozen centers like this one in Minneapolis could be operating and still not be meeting the need.

Officials from the center testified before the Senate Subcommittee on Foreign Operations last year and proposed that Congress should appropriate money for rehabilitation programs for people tortured by governments receiving U.S. foreign aid.

A sum of $20 million was suggested, a small figure considering the huge amount of torturing going on every day nearly everywhere.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,287,849,937,583.96 as of the close of business on Friday, May 21. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $16,693.40.

COMMENDING THE RULES COMMITTEE

Mr. STEVENS. Mr. President, I want to thank Chairman FORD for his leadership and fairness during the deliberations of the Committee on Rules and Administration on the petitions regarding the 1992 Senate election in Oregon.

The unanimous vote in favor of the motion at the meeting of May 20, 1993, demonstrates our committee members approval of the manner in which the chairman conducted these proceedings.

I also commend my colleagues on the committee for their professional and bipartisan participation. Our committee members spent a great deal of time reviewing the petitions, listening to oral arguments, and deliberating on messages received by the committee and the Senate and our responsibilities under article 1 section 5 of the Constitution.

As the allegations were directed at a member of my party, I believed it was my duty to offer the motion to resolve this matter in the committee. Senator FORD has articulated the process our committee has followed. I agree with his statement and shall not repeat it.

Mr. BYRD. Is there further morning business, Mr. President?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 3, which the clerk will report.

The legislative clerk read as follows: A bill (S. 3) entitled "Congressional Spending Limit and Election Reform Act of 1993."

The Senate proceeded to consider the bill.

Pending:

(1) Mitchell/Ford/Boren amendment No. 366, in the nature of a substitute.

(2) Wellstone amendment No. 367 (to amendment No. 366), to strengthen the restrictions on contributions by lobbyists.

(3) Wellstone amendment No. 368 (to amendment No. 367), in the nature of a substitute.

Mr. BYRD. 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. BOREN. 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. BOREN. Mr. President, we are, of course, resuming debate today and discussion and hopefully moving toward final passage of the Campaign Finance Reform Act.

This act, as we discussed last week, is of great importance to the future of this institution. With a large majority of the American people expressing a lack of confidence in this institution and, when asked, answering that they do not believe that this institution represents people like them but instead that it represents the special interests, we obviously have a strong responsibility to take actions that will restore the faith and the confidence of the American people in this institution.

As we grapple with the difficult decisions that we must face in the days ahead—decisions on the budget, deci-

sions on health care, decisions on education, decisions on the welfare system of this country—we will be making choices that will affect the future of this country for years to come. If we make the wrong decisions, we could well allow the economic and social and cultural slide of this country to continue at such a pace that it would be difficult, it not impossible, for us to ever regain the ground that has been lost. We could pass, for the first time in the history of our country, a diminished heritage on to the next generation.

And as we grapple with these very difficult problems, it is extremely important that the people of this country have confidence that this institution does represent people like them; that it is the product of an open and honest election process.

Unfortunately, right now, there is the image and impression that Congress is really on the auction block. In well over 90 percent of the cases, the candidate who raises the most money in an election campaign wins that election.

As we saw last week, incumbents have an enormous advantage in fundraising. In the Senate, those in office were able to outraise their challengers by a ratio of 3 to 1, and in the House they were able to outraise challengers by a ratio of 5 to 1.

The political action committees were giving more than $6 to those that are already in Congress for every $1 that they give to challengers, with the average winning race in the U.S. Senate costing over $4 million to run.

So, Mr. President, when people see more and more money poured into the political process and they see more and more of that money coming not from people back home like them but from the special interest groups, they begin to feel that this institution does not represent people like them. And it is understandable why they feel that way.

As we were discussing when we were last debating this issue, think of the position that a Member of Congress is in when he or she is thinking about how to raise that $10,000 or $15,000 or $20,000 or $30,000 that week—$4 million translates to well over $15,000 a week for 6 years—and in order to raise that amount of money to run for reelection, in that 5 minutes to spare, there are 10 people that want to see that Member of Congress for that 5 minutes—there is a young student in the front office, full of idealism about the future of the country; there is a factory worker; there is a farmer; there is a teacher, and there is a PAC manager who could deliver a check for $5,000 in each cycle, $10,000 now and hold a fund-raiser for maybe $300,000 in one night—human nature being what it is, and the candidate desperate to raise the money, which person will that candidate or that Member of Congress see?

And so it should be no surprise to us to say that the people then get the feeling that we represent not them but the special interests who can pour more and more money into campaigns and really distort the political process. And that is not why we came here.

And what is happening does not make anyone feel good about it; not the Member who came here to make a difference for the country, who wants to represent the rank and file citizens, young and old, men and women, from their home States. They do not feel good about it when they have to see the PAC manager instead of the student or the teacher or the factory worker or the farmer.

The person making the contribution does not feel very good about it, because lobbyists realize that one group is being played off against the other and they have to rush, on any given evening, to one fundraiser or another in order to pour out the money to buy the access to open the door to get to see people who have a vote to affect their interests.

And people back home do not feel good about it either.

And new people who want to break into politics, when they realize they can be outspent 3 or 4 or 5 of 6 to 1 because of the special interest money pouring in from out of State into the campaigns of their potential incumbent opponents, decide not to get into politics at all.

The courts talk about a chilling effect of free speech, participation in the political process. If there is anything that causes a chilling effect on the political process in this country, it is pouring more and more money into the system.

The Senator from Minnesota has proposed an amendment that would strengthen one of those provisions that the President has advocated adding to this bill. I commend the President for wanting to have an even stronger bill than we had last year. I have had numerous discussions with him about this legislation. He understands its importance.

He has listed it as one of those items high on his own list of priorities. And one of the things that he said as we were discussing it is that it is not enough to try to limit special-interest money; we must change the political climate. And in order to do that, we should not have those who are registered lobbyists, who are here being paid to come and try to convince us to vote one way or another on a particular bill or an amendment, in a position where they can have campaign contributions exacted from them as they are coming in to speak to Members. It does not help the lobbyist. It does not help the Member. And the perception of the public is that contribution is being given by a lobbyist in return for a favor by the Member.

So the President asked we put that strengthening provision in the bill. It is in there. It is my understanding that the Senator from Minnesota wants to make sure it is strengthened, that it is not only a matter of those who have lobbied a Member within the past year or intend to lobby a Member within the following 12 months after making a contribution should be barred, but we want to make sure, also, we do not have a loophole in this provision so that we can go around the provision and say, well, they did not lobby the Member, they lobbied a member of the staff of the Member instead.

We all realize very often it is the staff who gets briefed instead of the Member. And, again, the staff of the Member would be, in the eyes of the public, in the position of the holder of the office, the Member of the House or Senate. It is also my understanding that the way the language was drafted we did not cover new Members who were coming in, and so they would be in a position of having contributions given to them even though they may have, again, had contacts with the lobbyists.

So, as I understand the amendment of the Senator from Minnesota, it is an attempt to take the very same spirit of the provision we put in the bill at the urging of the President, I think the correct urging of the President, and to make that provision stronger and to make sure it will really work.

Mr. President, I simply say to my colleague from Minnesota I am very much in sympathy with this amendment. I am in sympathy with the spirit of it. I have just now had a chance to begin to study it, as I was away because of a family obligation yesterday. And there may be a few elements of it I think we need to tighten the drafting of very carefully to make sure it hits the targets that are intended. I would like an opportunity to do that.

I am going to yield the floor in just a moment so my colleague from Minnesota may respond, but I express my hope to him he would be willing for us to sit down—I do not think it would take us long at all—to see if we can just take a careful second look at the actual language of the amendment and see if it might be possible to accept the amendment.

I do not know the view of my colleague on the other side of the aisle about this amendment. He has now come on the floor. Certainly, we also want him to be engaged in this discussion to see if it is possible we can work out this amendment in a way it would be acceptable to the managers on both sides.

Mr. President, I see the distinguished minority manager on the floor and also the Senator from Minnesota, so I yield the floor so both of them might comment on what I have just said.

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

Mr. MCCONNELL. I did not hear the beginning of the observations of my friend from Oklahoma, but we have asked Senator LEVIN and Senator COHEN to take a look at this amendment to get their reaction, since they were in charge of the lobbying bill that recently passed the Senate. I think it is extremely important for our colleagues to get their reaction to this amendment before we move to a vote.

I have a statement to make this morning. There is at least one other Senator on this side who would like to make an opening statement. We are still taking a look at the Wellstone amendment. I would like to have the reaction of the two Senators I mentioned. I think it would be very helpful to all of our colleagues before we voted on the amendment.

Mr. WELLSTONE addressed the Chair.

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

Mr. WELLSTONE. The Senator from Oklahoma does correctly characterize the amendment. We are trying to plug a few loopholes here. If we are going to have a prohibition on, let us say, a lobbyist going in to see a Senator, then we want to say that for a year that lobbyist ought not to be making a contribution; or the other way around, if the lobbyist made a contribution, there ought to be a year's time the lobbyist ought not to be back in the office. We did want to apply that to staff as well. That is one change we wanted to make that is in this amendment.

The second change, I say to both Senators, is we also want to make sure, in the case of new Members—the Senator talked about that—say a lobbyist has made a contribution to someone, a challenger, someone who has run an open race, now in the Senate, that, again, you would cover that and for a year that lobbyist would not be in there.

The other part of this, which I understand would probably be the language that we would need to work out together if, in fact, there can be agreement—if not, we can take it to a vote—has to do with a lobbyist's clients, or PAC's. In other words, it seems to me the other part of it is the lobbyist would not necessarily make a contribution within a year's period of time but a lobbyist could instruct a client to make that contribution, or a PAC to make that contribution. We would really like to see that included.

I understand what the Senator from Kentucky has said. It makes good sense for other people to look at it.

I wonder whether or not I could temporarily, then, lay this amendment aside, if that is what my colleagues want me to do. I am ready to go with an amendment, and I would like to propose another amendment if we want to move along.

Mr. MCCONNELL. I might say to my friend, I have a statement to make this morning that I could make even though his amendment is the pending business. We have been in discussion with Senator COHEN and Senator LEVIN and hope to get some reaction from them shortly. I do not think the process is being slowed by not voting on the amendment at this particular time.

Mr. WELLSTONE. What the Senator from Kentucky is suggesting is he thinks in the time that other opening statements are going to be made we could be involved in some negotiation over this amendment?

Mr. MCCONNELL. This is my hope. I am concerned about the issues my colleague raised. I raised those precise issues in the hearing last week on the Clinton finance proposal, as was pointed out, in the Finance Committee. I think the Senator raised some important points.

Mr. BOREN. Listening to my colleagues—and I do recall the Senator from Kentucky mentioning these points, and I think the Senator from Minnesota has raised them in a very valuable way in this amendment. As I indicated in the Rules Committee, I was also very willing—and I am certain the President would be willing, because, as I say, this is a matter of great concern to him and this is completely in keeping with his objectives and goals—to make sure that the language reflects the goals that we have in mind.

I see the Senator from Iowa is on the floor, who, I believe, wishes to speak on another matter for a period of time. The Senator from Kentucky wishes to make additional opening remarks. We might ask unanimous consent to temporarily set this matter, the amendment, aside, to allow the Senator from Iowa and the Senator from Kentucky to make their remarks—the Senator from Iowa on another subject—and then return to this subject. It would require, I am told, since the Senator from Minnesota has an amendment in both the first and second degree, setting them both aside.

Mr. WELLSTONE. That is correct.

Mr. BOREN. It is obviously the same subject matter. Then we would return to it at the conclusion of the remarks of the Senator from Iowa and the Senator from Kentucky. The Senator from Kentucky mentioned there might be another colleague on that side of the aisle who might have some opening remarks?

Mr. MCCONNELL. Yes. I say to my friend from Oklahoma I believe there is at least one Senator on this side who would like to make some opening remarks on the bill.

Mr. BOREN. Mr. President, I ask unanimous consent to have this amendment temporarily set aside, both amendments, the amendments in the first and second degree by the Senator from Minnesota, to allow the Senator from Iowa to make a statement on another subject, and then that the Senator from Kentucky complete his remarks and, if there is an additional colleague on his side of the aisle to which the Senator from Kentucky would yield, that that be allowed, and then that the Senate return to these two amendments in the first and second degree as the pending business.

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

The Senator from Iowa.

Mr. HARKIN. Mr. President, first of all, I want to thank the distinguished Senator from Oklahoma for his actions just taken in permitting me a few minutes to speak here.

Mr. President, I ask unanimous consent I be allowed to speak as in morning business for about 5 minutes.

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

NUCLEAR TESTING MORATORIUM

Mr. HARKIN. Mr. President, I would like to call your attention to a report in today's New York Times entitled "Play Taps for Nuclear Tests." The editorial is right on the mark.

It refers to a letter I circulated, signed by 23 Senators. Although I must correct one error made by the Times. They claim the letter was signed by 23 Democratic Senators. This is not the case. One of our colleagues from the other side of the aisle, the Senator from Vermont [Mr. JEFFORDS] also signed the letter. So there are 22 Democrats and 1 Republican who signed the letter. I hate to correct the New York Times, but once in a while we have to do that.

Let me sum up the situation that prompted this letter: Last year, Congress instructed the President not to resume testing until July 1, 1993, and then only after he submitted plans for negotiating a comprehensive test ban by 1996. But the bomb builders want to conduct 15 more tests between now and 1996. They also want to negotiate a treaty that permits 1-kiloton or less underground testing forever.

Mr. President, that is not what Congress means by "comprehensive test ban."

Our letter urges the President to take two actions:

First, we ask him to renounce the proposal by members of the nuclear weapons establishment to continue testing after 1996 at levels below 1 kiloton.

Second, our letter challenges the President to take the high moral high ground to stop international nuclear proliferation, by declaring that the United States will not be the first to resume nuclear testing.

With regard to continued testing after 1996, this clearly violates the law.

Public Law 102–377, the Energy and Water appropriations bill passed last year bans all nuclear tests after 1996, provided that no other nation explodes nuclear weapons after that date.

Period. There is no exception in the law for low level nuclear tests at any level. Let me read the law:

No underground test of nuclear weapons may be conducted by the United States after September 30, 1996, unless Russia or another country has conducted a nuclear explosive test after this date and such test is inimical to the security interests of the United States as certified by the President in written explanation to the Congress. * * *

It doesn't say no nuclear tests except for those below 1 kiloton. There are no exceptions.

The proposal by the Department of Energy weapons labs to continue testing below 1 kiloton is clearly in violation of the law passed by the Congress last year.

I am encouraged by signs that the White House is currently planning to block this insidious proposal to continue the nuclear arms race.

The second part of our recommendation to the President goes beyond the letter of the law. We have asked him to take the moral high ground, to go the extra mile, to become a leader on the international scene for nuclear nonproliferation.

We have asked him to declare that the United States will not be the first to resume nuclear testing.

This would send a powerful message to the other nations of the world: The United States has changed. It is not business-as-usual. The United States will stop all nuclear testing, even though the law permits 15 more tests for safety and reliability.

If the United States tests, then pressure will surely mount on Boris Yeltsin to resume testing. Can you imagine the ammunition we would provide to the Russian military hardliners if we start testing and they do not?

The same for France. Could France continue its current testing moratorium if we tested?

And what of the rest of the world? Would the nuclear have-nots be encouraged to continue the Nonproliferation Treaty if we resume testing?

It makes no sense to proceed with the 15 allowed tests. The weapons labs claim that they can improve the safety of our nuclear weapons, if only we let them explode more nuclear weapons.

But the Air Force and the Navy have already stated that they do not need and will not use added safety features. Indeed, the Air Force has already taken the biggest step to improved safety by removing nuclear weapons from their bombers. Almost all accidents during the early years of the nuclear age involved bombs falling from bombers or nuclear bombs involved in bomber crashes. Removing nuclear bombs From airplanes was the best advance in safety, and it did not take any explosions to achieve.

Here is what Robert B. Barker, the former Assistant Secretary of Defense for Atomic Energy testified on March 27, 1992, regarding the use of newly developed safety features:

The Air Force and Navy, in cooperation with the Office of Secretary of Defense and the Energy Department, evaluated the safety of all ballistic missiles that carry nuclear warheads. It was determined that there is not now sufficient evidence to warrant our changing either warheads or propellants.

Let me repeat that, Mr. President: "It was determined that there is not now sufficient evidence to warrant our changing either warheads or propellants."

In other words, the military will not use the results of the 15 planned safety tests.

So why should we risk resumption of the nuclear testing, knowing that it would surely encourage other nuclear powers to resume testing, when we do not need to test?

Again, Mr. President, I applaud the lead editorial in today's New York Times. I ask unanimous consent that it be printed in the RECORD, following my remarks, along with the letter we sent to the President, encouraging him to continue the nuclear testing moratorium.

Mr. President, I further ask unanimous consent to also print in the RECORD an editorial from the Washington Post dated May 19, and in it a quote from Secretary of Defense Les Aspin. I read this quote from the Washington Post editorial:

Les Aspin, speaking a few months before he became Defense Secretary, said: "International cooperation is at the core of nonproliferation efforts, and that cooperation is going to be difficult if the United States continues insisting on nuclear testing."

He got it just right.

I ask unanimous consent to print those in the RECORD after my remarks.

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

(See exhibits 1 and 2.)

Mr. HARKIN. Mr. President, I can think of no better way to celebrate the 30th anniversary of President John Kennedy's Limited Test Ban Treaty of 1963 than by completing his work once and for all by ending all nuclear testing. Sometimes we do not remember how things evolved in the past.

On June 10, 1963, in a speech at American University, President John Kennedy took the courageous step of announcing that the United States would unilaterally halt all atmospheric testing of nuclear weapons. Again, put yourself in that time span: 1963, the height of the cold war, the belligerence of the Soviet Union. President Kennedy had the guts to step forward and say, "We are going to unilaterally halt all atmospheric tests, and we ask the Soviet Union to join with us in an agreement to halt all atmospheric tests." June 10, 1963, 30 years ago.

That led, of course, to the Limited Test Ban Treaty signed on August 6 of 1963, just a couple of months after his speech.

So, again, Mr. President, I can think of no better way to celebrate this 30th anniversary than for the President of the United States, on June 10 of this year, 30 years after President Kennedy announced that the United States would unilaterally halt all of our atmospheric testing in order to bring the other players to the table, to halt all atmospheric testing around the globe. I can think of no better way to mark that anniversary than for this President to announce that the United States will halt all underground nuclear testing, and we will not resume those nuclear tests and that we ask all the other nations of the world to join with us in finally signing a comprehensive test ban treaty to end all nuclear testing once and for all, forever.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

EXHIBIT 1

[From the New York Times, May 25, 1993]

PLAY TAPS FOR NUCLEAR TESTS

The nuclear arms race has run its course, but the nuclear laboratories and the Pentagon don't seem to know it. They want to resume testing this year. Test blasts may have made sense when it was important to deter a Soviet attack. But in today's changed climate they would set a terrible example for would be proliferators.

A group of 23 Democratic senators recognize this dangerous anachronism. They've urged President Clinton to announce that the U.S. will not be the first to break the current moratorium on tests that is now being observed as well by Russia and France. Resumption would discourage negotiation of a truly comprehensive ban on nuclear tests to replace the moratorium.

Last year Congress instructed the President not to resume testing until July 1, and then only after he submitted plans for negotiating a comprehensive test ban by 1966. The bomb-builders want to conduct 15 more tests between now and 1996. They would also trifle with the law by negotiating a treaty that would permit one-kiloton underground testing forever. That's not what Congress meant by a comprehensive test ban.

Those who want to resume testing say they'll oppose ratification of a comprehensive test ban. But what exactly would 15 more tests accomplish? The labs say the tests are needed to make nuclear warheads reliable and safe. But the U.S. has other ways to assure that its warheads work, including computer simulations. And why test now, supposedly safer warheads that the Navy and Air Force say they have no intention of acquiring?

Rattling windows in Nevada to warn the world that Washington still has the Bomb seems particularly perverse when the U.S. is trying to persuade nuclear have-nots to stay out of the bomb-making business. True, banning tests won't guarantee that proliferation can be prevented. States like Pakistan have developed nuclear arms without testing them. But a test ban will help stigmatize the Bomb.

It will also help muster international support for strengthening the Nuclear Nonproliferation Treaty when it comes up for extension in 1995. Nuclear have-nots like Mexico say they'll oppose a long-term extension

of the treaty and won't tighten trade in components and materials unless nuclear nations stops testing.

The 23 senators have the right idea; a no-first-test declaration by President Clinton, will prolong the moratorium on testing by others and clear the air for speedy negotiation of a comprehensive test ban. And that will help mobilize political support for stopping the spread of nuclear arms.

U.S. SENATE,
Washington, DC, May 12, 1993.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As you know, Public Law 102-377 suspended nuclear weapon testing for nine months, and required the end to all tests by September 30, 1996, provided that no other nation tested. This commitment to negotiate a comprehensive test ban treaty (CTBT) should be the backbone of your nuclear non-proliferation regime.

Now we understand that some members of your administration are recommending that the U.S. continue nuclear testing at levels below one kiloton after 1996. Mr. President, this proposal would not only be inconsistent with the law, but would significantly undermine your ability to stem the proliferation of nuclear weapons to other nations. The nuclear "have-nots" would conclude that the U.S. is conducting business-as-usual. Despite your call for change, they would understand that the United States wants to continue developing new nuclear weapons, and is not serious about stemming proliferation. Without a CTBT, the extension of the Non-Proliferation Treaty in 1995 would be jeopardized.

We therefore strongly urge you to reject any proposal for continued nuclear testing, no matter how low the threshold. It is time for the world to stop all nuclear weapon tests.

We also urge you to announce that the United States will not be the first to break the current testing moratorium. There is no need for the 15 safety tests allowed by law, since the military has announced that it will not incorporate the safety features verified by testing into our nuclear arsenal.

we can think of no better way to celebrate the 30th anniversary of President Kennedy's Limited Test Ban Treaty than to complete JFK's work, converting his limited ban into a global, comprehensive nuclear test ban. We look forward to your leadership on this critically important issue on the world stage.

Sincerely,

Tom Harkin, Daniel K. Akaka, Paul Simon, Paul Wellstone, Paul S. Sarbanes, Russell D. Feingold, Ben Nighthorse Campbell, Harris Wofford, Dianne Feinstein, Patty Murray, Herb Kohl.

Jim Sasser, Frank R. Lautenberg, Dale Bumpers, Carol Moseley-Braun, Barbara A. Mikulski, Thomas A. Daschle, Edward M. Kennedy, John E. Kerry, Christopher J. Dodd, Bill Bradley, Barbara Boxer, James M. Jeffords.

EXHIBIT 2

[From the Washington Post, May 19, 1993]

AN END TO NUCLEAR TESTING

It is the accepted wisdom that with the ending of the Cold War, nuclear nonproliferation has replaced strategic deterrence as the urgent center of American nuclear concern. The fear of weapons coming into more hands, and less responsible hands, has displaced the old apprehensions of Kremlin threat. But while nonproliferation as an idea is unchallenged, as a reality it is not yet fully knit into American policy. Nowhere is this truer, and potentially more mischievous, than in the matter of nuclear testing.

Congress imposed a nine-month testing moratorium on President Bush last year; it ends on July 1. The measure was part of a package that permitted the conduct of up to 15 more underground tests over the following three years while the American government sought to negotiate a worldwide ban. The immediate question before President Clinton is whether the United States should use some or all of those 15 permitted tests by 1996. The deeper question is whether it should then accept a total test cutoff. Within the executive branch powerful voices have argued for continued testing—to make sure old weapons are safe and reliable and to develop small new weapons. These are the rationales for a proposal to permit small (up to one kiloton) tests on an indefinite basis after 1996. President Clinton, who spoke of a comprehensive ban (but in several tones) during his campaign, has yet to announce how he will come down.

In fact, no other decision serves the national interest as well as an immediate and permanent halt to all testing. Considerations of safety, reliability and development are not foolish and irrelevant. But they can be dealt with without testing subverting the overwhelming purpose of discouraging the spread of nuclear arms. A test is more than a test: It is a spectacular announcement that nuclear weapons are important, useful and appropriate instruments of national power. If the nuclear great power says so, who are would-be nuclear countries to say no?

Les Aspin, speaking a few months before he became defense secretary, said: "International cooperation is at the core of nonproliferation efforts, and that cooperation is going to be difficult if the United States continues insisting on nuclear testing." He got it just right.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The Chair will caution the gallery not to show any displays of approval or disapproval.

The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

INTRODUCTION TO CONSTITUTIONAL CONCERNS

Mr. MCCONNELL. Mr. President, last Friday, in my first speech on the other side's campaign financing bill, I pointed out some of its absurdities. In fact, my colleague from Kentucky noted that I was "giggling" during my speech.

I probably was not giggling, but I do confess to finding it somewhat a ludicrous proposal.

I confess to giggling on the Senate floor. I do not know whether that violates any rules of decorum; but in my defense, this bill is such a Rube Goldberg contraption of bureaucratic formulas, incumbent-designed loopholes, and bizarre inequalities that it amazes me how the other side can rhapsodize about this bill while keeping a straight face. It must take incredible self-control.

Today, however, I come to the floor not to poke fun but to provoke concern. This is a silly bill, but it is also a dangerous bill. It is silly in the way that many so-called loyalty oaths of the 1950's were silly; and it is dangerous in the same way. Both are full of high purpose and noble ideals; yet both seek to sharply restrict the acceptable scope of political debate, and to force political speech into Government-approved categories and forms of expression.

Let me put it plainly: This bill is unconstitutional. It violates, by its terms and provisions, the first amendment of the Constitution, which reads as follows: "Congress shall make no law * * * abridging freedom of speech, or of the press."

Whenever I bring up this bill's unconstitutionality, the other side invariably protests. They wave around a brief opinion piece, prepared by the Congressional Research Service, as if it were a talisman to ward off all unpleasant facts.

Now, I can appreciate a responsible counterargument to these constitutional concerns. It might be enough if the other side simply said, well, our constitutional experts believe this bill passes first amendment muster; so if you disagree, our constitutional experts and your constitutional experts will battle it out before the Supreme Court—and may the best argument win. That is at least a halfway responsible way to deal with the constitutional problem.

What is unforgivably irresponsible, however, is to say that we ought to just forget about the Constitution, ignore it altogether, and pass a bill that has a number of obvious constitutional defects in it. Let the Supreme Court handle it—we're too busy issuing press releases about reform, and constitutional law always gave us a headache anyway.

I call this the know-nothing response to the serious constitutional issues raised by this legislation. Rather than uphold the Constitution to the best of our abilities, which we all pledged to do when we came here, we can turn up the populist rhetoric, rail against special interests, moan about multi-million-dollar campaigns, and promise

to take the Government back from whom ever it was stole it.

Slogans are easy to coin. Solutions are much harder to achieve. As Members of this body, bound by the same oath to uphold the Constitution, we have a duty to step up to the serious constitutional questions raised by this bill.

Over the next several days and weeks, I intend to highlight some of these questions and demonstrate just how harmful and dangerous this legislation would be to core free speech values. By way of introduction, let me outline some of the broad constitutional parameters that have guided court after court in interpreting the first amendment—especially as it applies to political speech. In doing so, I will be quoting in part from the excellent testimony of Bob Peck, attorney for the ACLU.

As the Supreme Court indicated in New York Times versus Sullivan, political speech should be free to be "uninhibited, robust, and wide-open." The Court has made it clear on numerous occasions that political speech in general—and campaigns in particular—are the purest expression of the values implicit in the first amendment, and are therefore deserving of the greatest degree of freedom possible.

In Monitor Patriot Co. versus Roy, the court said the "first amendment has its fullest and most urgent application precisely to the conduct of campaigns for public office." This makes sense because, quoting the court in Buckley versus Valeo, the "discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution."

In Mills versus Alabama, the Court further underscored the special freedom that political campaigns and speech enjoy, saying that, "There is practically universal agreement that a major purpose of that amendment was to protect the free discussion of governmental affairs * * * includ[ing] discussions of candidates."

But the first amendment's guarantee of freedom of speech protects much more than the right of candidates to advocate whatever they want. Among other protections, it also secures the "right not only to advocate their cause but also to select what they believe to be the most effective means for so doing," quoting the Supreme Court in Meyer versus Grant.

In the context of a campaign where public financing is offered, some candidates will choose public financing, and some will forgo taxpayer funding in favor of private, limited, disclosed donations from supporters. The first amendment protects every candidate's right to choose between these alternative methods of financing their campaigns—from Government interference or coercion.

The first amendment protects people from this kind of Government interference. The Supreme Court also has spoken forcefully on the issue of effectiveness of the mode of communication chosen. In Richmond Newspapers, Inc. versus Virginia, the Court noted that the first amendment "entails solicitude not only for communication itself but also for the indispensable conditions of meaningful communication."

As anyone who is involved in electoral politics knows, one condition for effective communication is to have a substantial broadcast media campaign, an that usually requires a considerable amount of money.

Therefore, in the Buckley case, the Supreme Court recognized that spending limits inherently violate the first amendment by reducing the quantity of political speech, including the number of issues, the depth of discussion, and the size of the audience that might be reached. Spending limits, the Court said, amount to "substantial and direct restrictions on the ability of candidates, citizens, and associations to engage in protected political expression, restrictions that the first amendment cannot tolerate."

Mr. President, none of the rationales that were offered for spending limits were accepted by the Court in the Buckley case—none of them. The Court rejected both the concern about the potential for corruption as well as the proffered alternative rationale of equalizing the financial resources of candidates. Neither one was considered a sufficiently compelling justification for overruling the clear dictates of the first amendment.

Any constitutional assessment of purported campaign finance reform legislation should be guided by the following point made by the Justice Department in testimony before the Rules Committee in 1991:

It should never be forgotten that by protecting robust debate and broad criticism of competing candidates, the first amendment was the most important electoral reform ever enacted.

The other side knows that public support for taxpayer financing of elections is at an all-time low. Support for the Presidential election campaign fund through the tax checkoff has declined dramatically to only 17.7 percent checking "yes" in 1991. At one point, it was 29 percent. Public support has been dropping off from 29 percent down to 17 percent last year, the lowest yet, indicating that the taxpayers of this country are not willing to designate a dollar of taxes they already owe. It does not even add to their tax bill to pay for political campaigns.

We know the taxpayers hate taxpayer funding of elections. They detest, despise, and deplore taxpayer funding of elections. We have the most complete survey ever taken any time in the country every year on this issue; it is the tax return. The most comprehensive poll ever taken in America on any issue is on this one, and people are voting every April 15, and they say we hate taxpayer funding of elections.

Aware of this fact, the other side has endeavored to minimize the up-front costs of their campaign finance bill at the expense of constitutional freedoms which Americans have enjoyed for over two centuries. By offering communications vouchers, reduced mail rates, and a super broadcast discount as rewards for compliance, as well as various severe penalties for spending over the prescribed limits, the bill before us desecrates the first amendment right of free speech. In this regard, the bill before us is very different from the Presidential system of spending limits and taxpayer financing, which was upheld in the Supreme Court in the Buckley case.

Under the Presidential system, candidates can qualify for matching funds in primary elections, and the two major party nominees are eligible for direct grants to spend in the general election. President Clinton and former President Bush each were given $55 million from the Treasury to wage their campaigns in 1992. Had George Bush declined the grant and chosen to spend over the limit, Bill Clinton would not have received any additional funds or benefits from the Government, nor would President Bush have been penalized.

The direct grant is a straight bribe, if you will, for giving up the right to speak too much. While such a proposal raises its own constitutional questions, which a future Supreme Court may be willing to reexamine at some point, the Court in Buckley at least acquiesced to the voluntary speech restraints in the Presidential system.

Under this bill, on the other hand, the bill before us, a candidate who chooses not to participate in this taxpayer financing scheme, even on some purely ideological grounds, would not only be deprived of the communications vouchers, reduced mail rates, and super broadcast discount, he or she also would be subjected to a series of punitive provisions.

Among the punishments is a political provisions.

Among the punishments is a political scarlet letter. Nonparticipating candidates would be forced to run a disclaimer at the end of their ads saying this—listen to this, Mr. President—if you were so audacious as to want to speak all you wanted to, and you were philosophically opposed to taking taxpayer funds to fund your campaign, here is what you would have to put in your ads: "This candidate has not agreed to voluntary campaign spending limits." It makes you look like you are some kind of criminal. This would amount to a scarlet letter acquiescing for exercising one's first amendment

rights. That smacks of compelled speech, which the Supreme Court has ruled to be utterly unconstitutional.

The financial largess of the Federal Government also rains down on any free-speaking culprit. As soon as any nonparticipating candidate spends $1 over the limit, his or her eligible opponent would receive a grant equal to one-third of the general election limit. If the nonparticipating candidate spent 133⅓ percent of the limit, his or her opponent would receive another grant equal to one-third of the general election limit.

The taxpayer-funded infusions to the eligible candidate would not cease until the nonparticipating candidate had spent twice the supposedly voluntary limit.

Mr. President, these direct grants, combined with the disclaimer to reduced mailing rate and the super broadcast discount are powerful incentives in the sense that the alternative—exercising first amendment rights—would cause one to be financially pummeled by the Federal Government. These provisions actually punish those candidates who exercise their constitutional right not to participate in this taxpayer-funded spending limits system.

S. 3 also directs the Federal Government to counteract those who exercise their first amendment rights through independent expenditures. for example, if the NAACP or B'nai B'rith spent money to oppose David Duke, the former Klansman could qualify under the Democratic plan for unlimited tax dollars to respond.

Let me repeat, Mr. President, under this bill that is before us, if some civil rights group decided to make independent expenditures against the candidacy of a former Klansman, like David Duke, who, say, is running for the U.S. Senate in Louisiana, once they are made by the civil rights group against David Duke, David Duke would get Federal taxpayer dollars.

David Duke would get our tax dollars to respond to a civil rights group. That is in this bill.

In its headlong rush to eliminate the perceived evils of party soft money, the bill tramples on political speech rights protected by the first amendment, as well as State electoral treatment protected from the 10th amendment. This bill imposes Federal regulations on virtually every aspect of State party activity undertaken during the Federal election year.

Federal interference with State electoral processes is allowable only pursuant to specific grants of constitutional power in the 14th, 15th, 19th, 24th, and 26th amendments. If Congress had the raw power to regulate State electoral processes, none of these other amendments would have been necessary. Clearly, that proves a point.

None of these other amendments justifies this massive Federal intrusion into political activities of State parties. Whatever the actual or perceived evils of party soft money, this legislation goes much too far in squelching legitimate political speech and imposing Federal regulations on State electoral processes.

That is a just a thumbnail sketch of the constitutional problems contained in this bill. It is my hope that this body will deal seriously with these issues and not simply leave our constitutional messes behind for the Supreme Court to clean up.

We look forward to further debate on this issue as well as action on amendments which I will be proposing which will help disinfect this legislation of its blatantly unconstitutional provisions.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 367 AND AMENDMENT NO. 368

Mr. WELLSTONE. Mr. President, are the Wellstone amendments now pending again?

The PRESIDING OFFICER. The Senator is correct.

Mr. WELLSTONE. Mr. President, my understanding from talking with the Senator from Oklahoma, and I believe we also had a colloquy with the junior Senator from Kentucky, is that we are trying to work something out with the language of the Wellstone amendments.

So, Mr. President, I ask unanimous consent that the Wellstone amendments be temporarily laid aside.

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

AMENDMENT NO. 370

(Purpose: To reduce the individual contribution limit to $105 per Senate election cycle)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 370.

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

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . REDUCTION OF CONTRIBUTION LIMITS.

(a) AMENDMENT.—Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking the semicolon an inserting ", but no more than $105 in the aggregate with respect to an election cycle in the case of a candidate for the Senate;".

(b) EFFECTIVENESS.—The amendment made by subsection (a) shall be in effect only when there is in effect a law that provides for significant public financing of Senate election campaigns (including payments of money, vouchers for use in connection with the purchase of the use of media for communication to the public discounted or free use of communications media, and reduced mailing rates) for primary elections, runoff elections, and general elections.)

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second?

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

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

AMENDMENT NO. 370, AS MODIFIED, TO AMENDMENT NO. 366

Mr. WELLSTONE. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place insert the following:

SEC. . REDUCTION OF CONTRIBUTION LIMITS.

(a) AMENDMENT.—Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1(A)) is amended by striking the semicolon and inserting ", but no more than $100 in the aggregate with respect to an election cycle in the case of a candidate for the Senate;".

(b) EFFECTIVENESS.—The amendment made by subsection (a) shall be in effect only when there is in effect a law that provides for significant public financing of Senate election campaigns (including payments of money. vouchers for use in connection with the purchase of the use of media for communication to the public, discounted or free use of communications media, and reduced mailing rates) for primary elections, runoff elections, and general elections.

Mr. WELLSTONE. Mr. President, let me give some context to this amendment that I offered to the Senate. The context is going to be about this mix of money and politics in the United States.

Let me just say at the beginning that in many ways I feel as though—and I am not at all sure how many votes there will be for this amendment—but I really believe that this amendment goes to the heart and soul of the green bus campaign in Minnesota in 1990 and the mandate from Minnesotans about getting money out of politics.

Yesterday I spoke on the floor of the Senate about this mix of money and politics, and I talked about the ways in which I believe people feel really ripped off, and the fact that we have such big money right now in politics that I think it undercuts the very essence of representative democracy. Once again, my standard for representative democracy is when each person counts as one and no more than one. Given the kind

of system we have right now of campaign finance in this country, that is simply not the case. I think that is why there is so much disillusionment why there is so much anger. I think that is why the term-limitation drives in a good many States in this country, have been successful, and that is why I think we have to make major changes.

Before I start out talking about this issue of big money in politics and giving some context to this amendment, I do want to apologize to the junior Senator from Kentucky. There are going to be, I am sure, points we are going to be debating over the next several weeks. That is an honest disagreement.

Yesterday, the junior Senator from Kentucky read from an op-ed piece in the L.A. Times which was actually written by my very good friend, maybe the best friend I have in the world, Barry Casper, in which Barry Casper was very critical of the bill we now have before the Senate. The junior Senator from Kentucky correctly quoted Professor Casper.

I then said I thought the junior Senator from Kentucky decontextualized the piece; meaning, surely he did not include the part where Professor Casper talked about his strong support for really comprehensive public financing, for dramatically reducing big money in politics. That was not in the piece. Therefore, the Senator from Kentucky correctly characterized Professor Casper's piece. I do apologize to the Senator because I think my criticism was unfair.

I think my criticism of his overall position is not unfair, but I think my criticism——

Mr. McCONNELL. Mr. President, I would just like to thank my friend from Minnesota. We will enjoy these debates and we will move ahead without misrepresenting each other's views.

I thank the Senator for his observation.

Mr. WELLSTONE. I apologize again to the Senator.

Let me start out by comparing past and current congressional spending.

In 1980, expenditure on Senate campaigns was $73 million. In 1990, we were talking about expenditures on Senate campaigns of $173 million. Or consider the average cost, Mr. President, of a Senate campaign, another good barometer: $1.2 million in 1980; $3.3 million in 1990; almost $3.7 million the average cost in 1992 and likely to rise again if people continue to raise money at the pace that they are now raising in the first 6 months of this year.

The average cost for Senate campaigns for incumbents in 1990, Mr. President, was $4.5 million and, therefore, people in the country raised the question, how long can this money chase continue?

In a broader context, look at the way in which costs have skyrocketed in the House and Senate elections in the past 10 years. This graph illustrates a dramatic increase, an explosion of costs over the last decade to $678 million spent in the 1992 elections; $678 million, a tremendous explosion over the last decade plus, starting with $200 million, and all the way up.

Let me repeat: $678 million spent on congressional races in the last 2 years. Can we blame people in this country for not having confidence in this political system? Can we blame people in this country for being frustrated and angry about this obscene amount of money that goes into politics? Can we blame people in this country for being cut out of the loop? Regular people just know that they are not considered the big players, or the big contributors.

This, Mr. President, is auction-block democracy. It is checkbook democracy. That is what we have to reform. That is what we have to reform. That is what we have to change.

Now, while some of this increase, Mr. President, was due to redistricting, or an unusually large number of House incumbents who retired, or a couple of special Senate elections, the trend is, nevertheless, clear and unmistakable and, I might add, from the point of view of anybody who cherishes representative democracy, very disturbing. The spiraling campaign costs mean that fundraising for lawmakers in the Senate—the amount that we are supposed to raise in order to be credible, in order to get ready for the next election, is $12,000 per week. Let me repeat that. In order to be viable candidates, we must raise $12,000 per week.

Mr. President, by the way, if that is the standard, I am way, way behind.

I will now focus on the PAC contribution part, and then I will get to the individual contributions.

Senate incumbents seeking reelection in 1992 received on average $1 million from PAC's, while challengers received about $250,000. That is a 4 to 1 edge for incumbents in PAC contributions. During that same period, the overall edge for Senate incumbents just in terms of overall spending, PAC and individual contributions, which I will get to in a moment, was 2 to 1.

According to the Center for Responsive Politics, the increase in PAC spending held true all across the spectrum in 1992, ranging from a 14 to 17 percent increase. In 1990, business PAC's gave $122.1 million, labor PAC's gave $16.4 million, and ideological or single-issue PAC's gave $42.5 million. As we well know, these contributions have gone and go overwhelmingly to incumbents.

Now, what I would also like to point out is the distribution of PAC contributions to incumbents versus challengers.

If you look at this graph right here and you look at the distinction between what challengers get and what incumbents get, you can see across the board that it is a most stacked deck—challengers in black, incumbents in this checkered block, and then candidates in open seats. It is a stacked deck, and the vast majority of the PAC moneys have clearly gone to incumbents.

Let me use health care as an example—I would argue a prime example—of some of the abuses. Not surprisingly, health care spending by PAC's led the way in 1992. And if you look closely, what you will see is that there has really been a dramatic increase in PAC contributions by the health care industry as the tempo toward reform has picked up.

Americans want to see a major change in how we finance and deliver health care. When people come up to us at a cafe in Minnesota or a cafe in California, they say: Senator, will there be decent coverage for myself and my children? Senator, will it be a decent package of benefits? Senator, will I have some choice of doctors? Senator, will I be able to afford it?

I am sure you will find wherever you go that health care is a most compelling issue and people are calling for major change. But comprehensive health care reform threatens some of the very powerful interests in the medical industry, and right here is just an example of the amount of money that we see spent by the health care industry: $41.4 million in the 1990-92 period of time. This year alone the Health Insurance Association of America is spending about $4 million to discredit, for example, the single-payer plan. They have a massive campaign in this country—I would call it really a propaganda campaign—about all of the problems in the Canadian system, not, of course, mentioning what the polls show: overwhelming support by people in Canada because there is a system of cost containment and they have universal coverage.

(Mrs. FEINSTEIN assumed the chair.)

Mr. WELLSTONE. Now, Madam President, no system is perfect. That is not my point today. Clearly, we would take from the Canadian system what works and then we would improve on what does not work as well. I am just talking about this mix of money and politics now.

The Health Insurance Association of America is only one of several organizations paying big bucks to frustrate any kind of real reform, reform that as a matter of fact goes after some of the bloat in the administration, that goes after some of the profiteering.

Medical industry PAC contributions increased by almost 2½ times during the 1980's. People saw the reform trend starting to move and they moved to ensure access to their allies in the Congress.

It is that simple. They could see the writing on the wall. They could see

that health care reform was a major issue in this country, and the big PAC money started pouring into their allies. The industry has focused, as a matter of fact, this attention on those committees which have the jurisdiction. The top 10 recipients of medical industry PAC contributions all sit on 1 of 4 committees in the Senate with jurisdiction over health care. In the other body, 17 of the top 20 recipients served on a key health care committee with 2 of the remaining top 3 in the House leadership. The tentacles of the health care industry, Madam President, are very long and very powerful. And in the Senate, 84 percent of health care PAC contributions went to incumbents during the 1992 race—84 percent of the PAC money went to incumbents.

According to Public Citizen, medical industry PAC's alone have given over $60 million to fund congressional campaigns since 1981. According to Public Citizen, over $60 million by health industry PAC's alone have gone to candidates—72 percent going to incumbents.

But, Madam President, PAC money is just the tip of the iceberg on health care. I would like now to return to the graph that comes from data in the May 24 issue of U.S. News & World Report. This is based on their study of FEC data in the last 2-year cycle.

According to U.S. News & World Report, the total contributions to Federal candidates from health care sources rose to $41.4 million.

This is total money that was spent in this period of time. Again, this includes PAC money, soft contributions, individual contributions. But do you know what? People are not confused. Call it PAC money, call it soft money, call it individual contribution money, call it bundled money, it all amounts to the same thing: Big money in politics used to try to thwart major health care reform.

This was, Madam President, a 31-percent increase in contributions over 1990. This money comes from all sources: From doctors, the insurance industry, mental health providers, medical services and supply companies, HMO's, chiropractors, nurses, therapists, pharmaceutical companies and others—again, $41.4 million in the 1990-92 cycle; an enormous amount of money getting poured into House and Senate races.

Madam President, let me give some examples from the article so people can understand the scope of the problem here: American Medical Association, in 1989-90, gave $2.37 million; in 1991-92, they gave $2.93 million; a 24-percent increase. The American Dental Association gave $817,000 in 1989-90, $1.42 million in 1991-92; a 74-percent increase. The list goes on.

I ask unanimous consent to have printed in the RECORD following my remarks, an article in the Washington Post which illustrates this impact of health care spending, and the article in U.S. News & World Report which I referred to.

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

(See exhibit 1.)

Mr. WELLSTONE. Madam President, I would like to quote from the article a key passage that bears directly on this question. It sys:

> Most of these funds went to incumbents, Republicans, or conservative Democrats who favor moderate market-based reform and hold other positions friendly to physicians and insurance companies.

Madam President, in light of this reality there were a number of us—I certainly had an amendment that I was going to offer which was going to prohibit contributions from political action committees if in fact we went to a system of comprehensive public financing. I am grateful to Senator FORD and Senator BOREN and others, for the leadership bill now includes this provision, and we now have a prohibition on contributions from political action committees.

But I want to make it very clear that I hope this time we will do better than what we did when we dealt with S. 3 last time, when we abolished PAC's on the Senate side, but it was put back in during the House-Senate conference. So eventually what we came out with was a $2,500 PAC limit for Senators. I think if we are serious about this, and we are talking about the pernicious influence of PAC money, then I believe that this time we should make sure that no such game is played, and again in the context of a system of public financing with a level playing field we should get this big money out of politics.

But in addition to the PAC ban—now I go to this amendment—another key element of reform I think is really missing in this bill, is to reduce individual contributions of Senators to $100. That is the amendment I am offering today.

This amendment is simple and it is straightforward. It comes in two parts. The first would reduce the current $1,000 per election individual contribution for Senate elections to $100 per individual per cycle. In other words, Madam President, as opposed to individuals being able to contribute $1,000 primary, $1,000 general election, that is $2,000, I want to cut that down to $100 per individual per election cycle.

The second part of this amendment would require that this contribution limit would only be effective under an expanded public campaign regime that provides for significant public financing in the primary, in the runoff, and in the general election for U.S. Senate.

This amendment is designed to tie these two concepts of lowering the individual contribution limits and having significant public financing in some combination of communication vouchers, matching and direct grants, free media or lower broadcast rates, or low mail rates.

The specific debate about public financing will be enjoined when Senator KERRY and Senator BRADLEY and Senator BIDEN bring their public financing bill out to the floor. I will be very proud to join them in support of that amendment and will be involved in that debate.

I just simply want to for a moment respond one more time to those who say that we are talking about food stamps for politicians. If you cut the issue that way then of course people will say we are not interested in food stamps for politicians. But if as we are, you talk about a relatively small amount of money on the Senate side—one estimate is around $150 million per cycle—and you are saying that in exchange for a small amount of public money you could restore competitive elections, you could end the mortgaging of governance to big money contributors, you could restore representative democracy, you could end a lot of the wheeling and dealing around money in politics, not to mention the kind of money that you could save for the taxpayers through the kind of subsidies that go to all too many interests who are too well represented here. Then public opinion turns around. I recite a recent Greenberg-Lake poll that found almost three-quarters of the voters in our country, 72 percent to be precise, support extending the Presidential public financing system to the congressional races if the reform package includes eliminating or drastically reducing PAC money and individual contributions as well.

Madam President, we can do much better. This is the time for fundamental reform. We had a President in the State of the Union Address, and a President during his inaugural speech who talked about making sure that this Capitol belonged to the people. We have said to people in this country that we want to be reformers and we want to make a real difference and have a major change in how we finance campaigns, so the vast majority of people will not feel out of the loop. One of the things we have done is said we will eliminate PAC contributions.

But I think there is a large loophole here. It is one that this amendment speaks to. The loophole is as follows: What will happen is what happens all the time, which is to say it may be true that a S&L here or a corporation cannot contribute PAC money, but there is nothing to prevent that particular S&L, or that particular corporation, to bring together executives at one time, and just simply contribute money that way.

So that, for example, what could happen is lobbying coalitions could continue to come together here in Wash-

ington as they do now. We all know the way this works. A Senator can go to a fundraiser, 100 people are brought together, a lobbyist calls any number of different people, organizations, puts together a fundraiser for a Senator, 100 people come, $1,000 per person, $100,000 at a crack. Not a bad night's work.

If we in fact want to get interested private money out of politics, if we want to provide some reassurance to people in this country that we have clearly dealt with that problem, then my position is we ought to have some kind of standard.

I think that a good many of my colleagues are going to say, Senator Wellstone, this is going too far. If you are going to talk about $100 contributions, I mean that is a very little amount of money. But I will tell you something right now. If you ask ordinary people in Minnesota, or ordinary people in California, or elsewhere around the country, how much money do they contribute, they will tell you that $100 is quite a bit of money. And most people do not even contribute that.

If we are going to argue that each person should count as one and no more than one, then I think we have to meet the Main Street test. And $1,000 per election which is really $2,000 per cycle is way out of the reach of regular people in this country.

So I think that we have to provide people some assurance, that as a matter of fact what we are doing in addition to eliminating the special PAC moneys is we are plugging loopholes, and we are making sure that we do not have a continuation of what I think goes on all too often here in the Nation's Capital, which is you have these fundraisers all the time where people are brought together, who can make the big buck contributions. That is precisely what happens.

Once again, let us be frank. Is a group of 50, $1,000 contributions from savings and loan executives any different from a huge S&L soft money contribution? Or, for that matter, independent expenditure contributions when the funds come from a group of executives or lawyers at a law firm? Is not the result the same? Huge amounts of private money enter into this political process. Madam President, we still have a sieve here.

We still have a sieve, and I predict that if in exchange for public financing in the leadership bill—I do not think it is enough public financing—we eliminate the PAC money within a section wherein candidates agree to spending limits. But if we have $1,000 per election, you are just going to see it all shift toward these big lobby coalitions bringing folks together, and Senators, in 1 hour, raising $100,000 a crack, and we will have not spoken to the concern that people have in this country about the ways in which big money taints the political process.

So, Madam President, addressing that problem is really the purpose of this particular amendment. While I do not want to belabor the point—and I do not intend this analysis to be personal in relation to any of my colleagues—I think it is a systemic problem, because the vast majority of people in this country do not make $1,000 and $2,000 contributions. This is the same big money that will continue to dominate the political process.

I also believe that if we do not eliminate this big money from the political process—as naive as this might sound on the floor of the Senate—then people will continue to believe that the reason they do not get a fair shake when it comes to tax policy, the reason they do not get a fair shake when it comes to health care, the reason they do not get a fair shake when it comes to having their interests well represented here, is because they do not have big bucks. They are not the ones that made the big individual contributions.

Finally, Madam President, let me point out that of the contributions to Senators, over $200, about 20 percent, just looking at recent FEC reports, were between the $200 and $500 range; about 78 percent are in amounts from $500 to $1,000. So the trend, Madam President, has been toward large, individual contributions. And my fear is if this amendment is not passed and we go with this $1,000 per election, which is entirely too high, then big dinners, big money receptions, and other similar events, will become prominent features of the postreform Washington landscape, and we will not have done the job that we should have.

Let me just also make it very clear that when we are talking about big fundraisers, that Senators—I want to simply go to another chart. By and large, Senators rely on individual contributions. When I was looking at the FEC data, what I noticed in the last few elections is that Senators have relied on individual contributions for about 60 to 65 percent of their overall funds. In 1986, for example, Senators raised $140 million in individual contributions. In 1992, after dipping slightly, the figure has climbed to $162 million. So, 62 percent of the fundraising is in individual contributions.

Just look at the amount of money from PAC's that have gone into Senate races and look at the party contributions, what candidates have contributed, and then look at the amount of individual money that has gone into these races.

So, Madam President, I believe that it would be a little bit disingenuous for the U.S. Senate to wipe out a benefit like a PAC contribution, upon which not that many of us rely that heavily, but leave the major source of big money contributions to Senate races more or less untouched. And that is why I propose this amendment.

I think the political earth has moved under our feet, and I believe that we ought to respond. I take seriously what the President said when he said we ought to give the capital "back to the people to whom it belongs." I take seriously a principle that was articulated by five of my Republican colleagues who wrote Chairman FORD on May 19 and said, "we don't believe campaign finance reform will be true reform until it hurts incumbents."

Madam President, if you only eliminate the PAC contributions and you do not do anything about this huge amount of individual contributions that come into our campaigns—most of it $500 to $1,000—then you have not dealt with the fundamental issue about the way in which money, big money, has come to dominate politics in the United States of America, and you will have not addressed the most significant way that U.S. Senators raise their money in campaigns. We can do better for people in our country.

I will conclude with these words, Madam President, because I know that both caucuses are soon going to be meeting.

Some of the amendments I am going to be introducing to the leadership bill, I believe, are amendments that will pass. I believe I will have the support of my colleagues. Once in a while, you introduce an amendment—I see Senator CRAIG from Idaho, and we do not agree on a lot of issues, but I think we agree that if you believe in something, you go forward with it. Along with health care and children and education, to me, the whole issue of reform in Government, the whole issue of reform by way of campaign finance is central to our work here. If I did not bring this amendment out to the floor and fight for it, I just would not be living up to my mandate from Minnesotans.

We campaigned in this rattle trap, beaten-down bus, and I talked about eliminating big money from politics. I made the promise that I would fight for it. I believe that if we were to eliminate PAC money or drastically reduce PAC money, if that is all you can do constitutionally and get large contributions out in exchange for it—and I argue that has to happen—and extend public financing to general elections, to primaries as well—then you have a level playing field, and then you truly would have an opportunity for incumbents to have an opportunity to win races. And I think you would have eliminated a lot of the interested private money, and you move toward clean money and people in the United States of America would really control their elections and their Government.

My amendment, once more, reduces the individual contribution limits. He says that $2,000 per cycle is too much. That $2,000 does not meet the cafe standard. Ordinary Americans cannot make those kinds of contributions.

Knock it down to what people can contribute, and $100 makes good, common sense to me. That, I think, should only take place and only be in effect within the context of an expanded system of public financing.

I urge my colleagues to support this amendment.

I yield the floor.

EXHIBIT 1

[From U.S. News & World Report, May 24, 1993]

MONEY, CONGRESS AND HEALTH CARE

On a clear night in Washington not too long ago, about 20 doctors from around the country partook in what has become an annual rite of spring in the nation's capital, wining and dining a member of Congress while they got a few parochial concerns off their chests. The guest of honor was a Tennessee Democrat named Jim Cooper, a highly regarded lawmaker who authored a bill calling for managed competition in the health care industry, a bill that would affect the assembled physicians. "It isn't in smoke-filled rooms where you get someone to vote one way or the other," says Donald Fisher, executive vice president of the American Group Practice Association. "What it really is is an open, honest dialogue about what is needed." That spring night Cooper received checks totaling $13,000 after his dinner with the doctors.

The health care industry today represents one seventh of the American economy. Reforming the system will be the most significant legislation since the passage of Social Security. For the special interests involved, reform of the system may be the biggest fight of their lives.

And they intend to make sure their voices are heard. A U.S. News computer analysis of Federal Election Commission records found that health care and insurance industry interests plowed a phenomenal $41.4 million into House and Senate campaigns in 1992—a jump of 31 percent over 1990. The increase is significant: Over the same period, campaign contributions of all kinds rose only 10 percent. "The increase," says Michael Podhorzer of the consumer lobby Citizen Action, "is nothing short of an explosion."

The U.S. News study examined nearly 2 million campaign contributions made between 1990 and 1992 by individuals and political action committees. Principal findings:

Doctors, individually or through PACs, gave $16.4 million in 1992, an increase of 45 percent over 1990.

The biggest jump in contributions came from nonphysicians—mainly chiropractors, nurses and physical therapists. These groups seek inclusion in any basic benefits plan that emerges from the Clinton reforms and stand to gain from an increased emphasis on preventive care. Contributions from them increased by 48 percent over 1990.

Contributions known as independent expenditures jumped to $1.1 million last year from physicians alone. That's nearly one tenth of all independent expenditures, making the health industry among the biggest such contributors.

"Soft money," unrestricted contributions to state and national political parties, represents a growing part of campaign war chests. Last year, health care interests paid $5 million to political parties. Much of that money was used in congressional races.

Federal Election Commission records show strong evidence of "bundling" by employees of health care industries. Bundling constitutes no violation of law, but it is a good indication of an interest group's influence. The U.S. News examination found dozens of examples of checks being received by the same member of Congress on the same day from employees of the same corporation. The contributions amounted to well over $100,000.

The top recipients of health care and insurance dollars almost all faced strong opposition in the November elections. Nearly all were incumbents, Republicans or conservative Democrats who favor moderate, market-based reform and hold other positions friendly to physicians and insurance companies. Many of these same congressional leaders, aware of the stakes in the fight over health care reform, began soliciting money months and months ago. "We get many, many requests every week from candidates," says Mark Seklecki of the American Hospital Association. More candidates asked for money last fall, Seklecki says, than ever before.

While records of political contributions this year are not yet available, evidence suggests that the spending will increase over 1992. The American Chiropractic Association, for example, has already raised more than $1 million in membership fees and political action funds. A spokesman says the money will go to finance the organization's "very aggressive grass-roots campaign." The chiropractic association has declared the fight over health care reform a "national legislative emergency." All over Washington, lobbyists are getting called. One well-connected Washington firm, Gold & Liebengood, has picked up six new health-related clients. "They are coming to us," says Martin Gold, "because of our contacts in Congress." Another big player is Cassidy & Associates. The firm gave $238,928 to members of Congress in individual donations. Its clients include pharmaceutical firms and a large hospital chain.

Always influential, the medical and insurance lobbies have successfully fended off health care reform before. The American Medical Association, for example, pushed Franklin D. Roosevelt to keep health care out of the New Deal. Now that change is likely, however, the special interests are trying to minimize the damage. Although President Clinton will not announce his plan until June, reform proposals have already created strange bedfellows. Large insurance companies that already have health maintenance organizations stand to benefit from a system of managed care while their smaller counterparts may be forced to insure higher risk patients. Labor unions worry that mandated benefits will be less generous than the ones they already have. Small businesses fret over how to pay for insurance they don't now provide. Pharmaceutical companies accused of price increases that far exceed inflation face the prospect of price controls. And doctors, having resigned themselves to government interference, can only make sure their practices suffer as little as possible.

Everyone, in other words, is looking for help from Capitol Hill. As with much important legislation, three battlegrounds are key: the House Ways and Means Committee, the Senate Finance Committee and the House Energy and Commerce Committee. Members of these panels and of labor committees, as well as congressional leaders, showed up repeatedly in the *U.S. News* analysis of campaign contributions from the health care industry.

The No. 1 recipient: Pennsylvania Sen. Arlen Specter. A minority whip and the ranking Republican on the subcommittee with jurisdiction over health care spending, he received $421,737. His opponent in a close November race, Democrat Lynn Yeakel, spooked doctors with her support for a national health care system based on the Canadian model. Specter came out strongly against such a system and in favor of managed care and reduced paperwork. He is also a key swing vote in any close fight over reform. "Priority 1," explains one industry lobbyist, "is fence sitters. No. 2 is folks on your side."

Paper flow. Similar dynamics help explain campaign contributions to other congressional favorites from the health care industry. In the tight Senate race between Oregon Republican Bob Packwood and Democrat Les AuCoin, Packwood took the more conservative approach to health care reform, calling for changes in the existing employer-based system and tax credits for the uninsured. Throw in paperwork reduction measures—against AuCoin's advocacy of a single-payer national health program—and Packwood was the natural choice of the health care industry, which ponied up $308,658, most of it from doctors.

In Arizona, Republican Sen. John McCain, a minority whip and member of the minority task force on health care, preached against "pay or play," which would require employers either to provide health benefits or pay into a system provided by the government. And in Iowa, Sen. Charles Grassley, a Republican member of the Senate Finance Committee, deplored the costs of medical malpractice awards. Doctors and insurance companies responded in kind, with gifts of $208,129 and $150,357, respectively. Health interests were also happy to contribute $327,637 to Democratic Sen. Christopher Dodd, whose home state of Connecticut employs 52,000 people in that business. "We make no apologies," says a spokesman for the senator, "for representing the workers of Connecticut."

Another winner in the campaign finance sweepstakes is Indiana Republican Dan Coats, who is neither a Senate leader nor a member of the most powerful committees. He is, however, a friend of pharmaceutical giant Eli Lilly & Co., a sympathetic ear for doctors and a former lawyer for an insurance company. With the Democratic contender calling for curbs on drug prices, Lilly rewarded Coats with more than $38,900 in contributions, $28,900 of that from individual employees.

For all the money they're spending, few in the health industry want to talk about it. The AMA, for example, declines to discuss its PAC giving or its lobbying strategy. For pharmaceutical companies, the threat of price controls is reason enough to ante up contributions. "It's just the way you play the game," says Juiianna Newland of Eli Lilly. "It's part of doing business."

Not all the health industry money is flowing to political candidates and traditional lobbyists. Aetna Life & Casualty, Golden Rule and the Mayo Clinic are among the corporate supporters of the nonprofit Jackson Hole Group, which is credited with the managed competition approach endorsed by Clinton. The Jackson Hole Group has a healthy budget of $600,000, and Paul Ellwood, the group's founder, says he solicited as much as $100,000 apiece from big insurance companies.

This picture of money and politics is incomplete without a look at donations by individuals, who can boost spending well beyond the limits set for PACs. Howard Palefsky, president of Collagen Corp., a Palo Alto, Calif., medical device company, gave $500 to Sen. Orrin Hatch last year after a din-

ner thrown by the chairman of Allergan, a pharmaceutical firm. A total of 22 people from medical device firms—13 from Allergan alone—gave Hatch $12,400 on the same day. "Mine was in support of the man," says Palefsky. "He represents the kind of thinking that needs to be represented on the health and labor committee."

TO WIN FRIENDS AND INFLUENCE POLS

The Federal election Commission calls them "24E" transactions. They also go by the name "independent expenditures," but whatever you call them, they're a lot of bang for the buck. Thanks to an obscure Supreme Court ruling that defends the contributions as a First Amendment right, lobbyists, political action committees, anyone, really, can spend as much money as they want on a favorite candidate—as long as the money does not go to the campaign directly. Unlike direct PAC contributions, which are limited to $5,000 per candidate in the primary and $5,000 in the general election, the sky's the limit on independent expenditures.

They may be unfamiliar to most Americans, but just about everyone has seen the results of these campaign contributions. The controversial TV ad about prison inmate Willie Horton that did so much damage to the presidential hopes of Michael Dukakis, for instance, was paid for by an independent expenditure for the campaign of George Bush. Realtors, foreign-car dealers and abortion-rights activists are among the biggest players in the independent expenditure game.

So is the American Media Association—the fourth-biggest source nationally of independent expenditures on political campaigns. In the final two weeks before the November 1992 election, the AMA and its affiliate California Medical Association doled out over $1 million to the campaigns of just 23 politicians—including both Bill Clinton and Bush. Holding its fire until the final days of the campaign, the AMA got the maximum punch by targeting friendly pols in close races.

California Democrat Vic Fazio was the biggest beneficiary. In just one week, between October 20 and October 27, records show, the AMA and the California Medical Association spent $257,585 to assist Fazio's campaign against challenger H. L. Richardson. "Feeding the alligator," Richardson calls such spending. He says the negative TV ad the AMA paid for hurt his chances in what was a close, hard-fought race. Fazio opposed some AMA positions, but he supported others, like malpractice reform. At the same time, Fazio is enormously influential in Washington, and the AMA agreed to back him for that reason.

Some of the AMA's other independent expenditures were more strategically placed. In the last two weeks before the election, the AMA spent $103,385 on radio ads and an additional $15,000 on a poll to help Texas Democrat Mike Andrews defeat Republican Dolly Madison McKenna and keep his seat on the powerful House Ways and Means Committee. Andrews, an advocate of managed health care whose district includes the enormous Texas Medical Center, has always been able to raise big money from medical interests. This time, though, the AMA got more than it might have hoped for. Soon after his reelection, Andrews won a seat on the critical Ways and Means subcommittee on health care. From that perch, the Texas congressman will exert enormous influence as the battle is joined over how to fix the nation's health care system.

MONEY MACHINE

Campaign contributions from health care and insurance interests boosted dozens of congressional candidates in 1992. The biggest winners:

Senate

1. Arlen Specter (R-Pa.)
2. Bob Packwood (R-Ore.)
3. Daniel Coats (R-Ind.)

House

1. Richard Gephardt (D-Mo.)
2. Henry Waxman (D-Calif.)
3. Dan Rostenkowski (D-Ill.)

THE CAPITOL GANG

The U.S. News analysis of campaign contributions to members of Congress identified millions of dollars from medical and health care interests. Most of the top 100 recipients sit on key committees or hold leadership positions. Amounts of 1992 contributions and identifications of principal interest groups are also shown.

Arlen Specter, (Sen., R-Pa.) $421,737, doctors.

Bob Packwood, (Sen., R-Ore.) $395,686, insurance.

Richard Gephardt, (Rep., D-Mo.), $369,462, insurance.

Daniel Coats, (Sen., R-Ind.) $357,463, pharmaceuticals.

Tom Daschle, (Sen., D-S.D.) $343,633, doctors.

Christopher Dodd, (Sen., D-Conn.) $327,632, insurance.

Christopher Bond, (Sen., R-Mo.) $307,204, doctors.

John McCain, (Sen., R-Ariz.) $297,148, doctors.

Charles Grassley, (Sen., R-Iowa) $280,129, insurance.

Bob Graham, (Sen., D-Fla.) $273,870, doctors.

Bob Dole, (Sen., R-Kan.) $262,552, insurance.

John Breaux, (Sen., D-La.) $255,922, insurance.

Henry Waxman, (Rep., D-Calif.) $244,799, doctors.

Dan Rostenkowski, (Rep., D-Ill.) $243,198, insurance.

Barbara Boxer, (Sen., D-Calif.) $235,243, doctors.

Pete Stark, (Rep., D-Calif.) $229,601, doctors.

Newt Gingrich, (Rep., R-Ga.) $169,559), insurance.

Wendell Ford, (Sen., D-Ky.) $169,349), insurance.

Barbara Mikulski, (Sen., D-Md.) $165,388, doctors.

Vic Fazio, (Rep , D-Calif.) $160,757, doctors.

Nancy Johnson, (Rep., R-Conn.) $150,605, insurance.

E. Clay Shaw, (Rep., R-Fla.) $148,895, doctors.

John Dingell, (Rep., D-Mich.) $144,097, insurance.

Kent Conrad, (Sen., D-N.D.) $140,714, insurance.

Sander Levin, (Rep., D-Mich.) $139,996, doctors.

Michael Andrews, (Rep., D-Texas) $138,110, insurance.

Benjamin Cardin, (Rep., D-Md.) $130,100, doctors.

David Bonior, (Rep., D-Mich.) $128,625, doctors.

Charles Rangel, (Rep., D-N.Y.) $127,009, insurance.

J. Roy Rowland, (Rep., D-Ga.) $122,675, doctors.

Barbara Kennelly, (Rep., D-Conn.) $118,650, insurance.

Michael Bilirakis, (Rep., R-Fla.) $117,029, doctors.

Sam Gibbons, (Rep., D-Fla.) $115,899, insurance.

Phil Gramm, (Sen., R-Texas) $106,550, doctors.

Bill Richardson, (Rep., D-N.M.) $104,760, doctors.

Butler Derrick, (Rep., D-S.C.) $103,805, insurance.

Frank Murkowski, (Sen., D-Alaska) $101,709, doctors.

Don Sundquist, (Rep., R-Tenn.) $100,342, doctors.

Orrin Hatch, (Sen., R-Utah) $98,648, pharmaceuticals.

Jim Slattery, (Rep., D-Kan.) $93,599, insurance.

Robert Matsui, (Rep., D-Calif.) $87,660, doctors.

Robert Michel, (Rep., R-Ill.) $87,323, insurance.

Jim Bunning, (Rep., R-Ky.) $87,109, insurance.

Mike Synar, (Rep., D-Okla.) $84,031, lobbyists.

Jim McCrery, (Rep., R-La.) $82,450, doctors.

Dave Durenberger, (Sen., R-Minn.) $81,200, pharmaceuticals.

J.J. Pickle, (Rep., D-Texas) $80,547, insurance.

Tom Harkin, (Sen., D-Iowa) $79,575, doctors.

John Bryant, (Rep., D-Texas) $78,339, doctors.

Bill Brewster, (Rep., D-Okla.) $77,999, doctors.

Edward Kennedy (Sen., D-Mass.) $75,041, other providers.

Alex McMillan (Rep., R-N.C.) $72,120, doctors/pharmaceuticals.

Fred Grandy (Rep., R-Iowa) $71,096, insurance.

Dave Camp (Rep., R-Mich.) $65,630, pharmaceuticals.

Frank Pallone (Rep., D-N.J.) $65,305, doctors.

Ralph Hall (Rep., D-Texas) $64,200, doctors.

Thomas Manton (Rep., D-N.Y.) $63,499, insurance.

Peter Hoagland (Rep., D-Nek.) $63,400, insurance.

Dennis Hastert (Rep., R-Ill.) $63,156, doctors.

Jack Fields (Rep., R-Texas) $62,600, doctors.

Rick Santorum (Rep., R-Pa.) $62,035, doctors.

Richard Neal (Rep., D-Mass.) $60,899, insurance.

Rick Boucher (Rep., D-Va.) $60,500, pharmaceuticals.

Richard Lehman (Rep., D-Calif.) $59,300, doctors.

Al Swift (Rep., D-Wash.) $58,800, insurance.

Edolphus Towns (Rep., D-N.Y.) $57.101, doctors.

Gerald Solomon (Rep., R-N.Y.) $55,110, insurance.

W.J. "Billy" Tauzin (Rep., D-La.) $54,391, insurance.

Carlos Moorhead (Rep., R-Calif.) $53,750, doctors.

Joe Barton (Rep., R-Texas) $52,900, doctors.

Ron Wyden (Rep., D-Ore.) $52,575, doctors.

Michael Oxley (Rep., R-Ohio) $52,050, doctors.

Cardiss Collins (Rep., D-Ill.) $51,475, insurance.

Daniel Schaefer (Rep., R-Colo.) $48,325, insurance.

Thomas Foley (Rep., D-Wash.) $48,300, doctors.

Philip Sharp (Rep., D-Ind.) $47,915, doctors.

Amo Houghton (Rep., R-N.Y.) $47,700, medical equipment

William Coyne (Rep., D-Pa.) $47,482, doctors.

Jim McDermott (Rep., D-Wash.) $46,200, doctors.

John Kyl (Rep., R-Ariz.) $44,175, doctors.

John Lewis (Rep., D-Ga.) $44,129, doctors.

Fred Upton (Rep., R-Mich.) $38,750, doctors.

Gerald Kleczka (Rep., D-Wis.) $38,360, doctors.

Patrick Leahy (Sen., D-Vt.) $35,550, lobbyists.

John Rockfeller IV (Sen., D-W.Va.) $34,900, doctors.

Tom Delay (Rep., R-Texas) $34,350, doctors.

Mike Kopetski (Rep., D-Ore.) $33,850, doctors.

Lewis Payne (Rep., D-Va.) $33,850, doctors.

Wally Herger (Rep., R-Calif.) $31,975, doctors.

Mel Reynolds (Rep., D-Ill.) $30,525, doctors.

Edward Markey (Rep., D-Mass.) $27,750, lobbyists.

Donald Riegle (Sen., D-Mich.) $26,887, insurance.

Daniel Moynihan (Sen., D-N.Y.) $26,265, lobbyists.

Mel Hancock (Rep., R-Mo.) $23,850, doctors.

John Chafee (Sen., R-R.I.) $18,150, pharmaceuticals.

Harold Ford (Rep., D-Tenn.) $16,450, doctors.

Jeff Bingaman (Sen., R-N.M.) $15,669, doctors.

William Jefferson (Rep., D-La.) $14,950, doctors.

Craig Washington (Rep., D-Texas) $14,800, doctors.

Jim Cooper (Rep., D-Tenn.) $14,743, doctors.

The dollar amounts are based on a computer analysis of nearly 2 million Federal Election Commission records of contributions from individuals and political action committees for the 1989/90 and 1991/92 election cycles. The National Library on Money and Politics provided a list of 280 PACs that have a prime interest in health care issues. U.S. News identified individual contributors in health-related occupations.

Key members were identified as those in leadership positions or with seats on the following committees: Senate Finance, Senate Labor and Human Resources, House Ways and Means, House Energy and Commerce. These are the key panels that will debate the elements of the Clinton administration's health care reform package when it is presented next month.

Putting their money where the votes are—Health care interest groups pumped $41.4 million into campaign coffers in 1992. Those with the deepest pockets:

DOCTORS

1992 campaign contributions $16.4 million.

Change 1990–92 +45%

Largest PAC contributions

American Medical Association, American Dental Association, and American Academy of Ophthalmology.

INSURANCE

1992 campaign contributions $7.3 million.

Change 1990–92 +10%

Largest PAC contributors

National Assn. of Life Underwriters, American Council of Life Insurance and AFLAC Inc.

PHARMACEUTICALS

1992 campaign contributions $4.0 million.

Change 1990–92 +27%

Largest PAC contributors

Eli Lily & Co. Pfizer Inc. and Schering-Plough Corp.

OTHER PROVIDERS

1992 campaign contributions $2.9 million.

Change 1990–92 +48%.

Largest PAC contributors

American Chiropractic Assn. American Nurses' Assn. and American Physical Therapy Assn.

Class and amount	Candidate
D—$569,605	George Bush
D—210,553	William Jefferson Clinton
H—16,250	George Bush
H—10,450	William Jefferson Clinton
I—31,450	George Bush
I—8,950	William Jefferson Clinton
L—43,434	George Bush
L—81,837	William Jefferson Clinton
M—2,000	George Bush
M—27,956	William Jefferson Clinton
N—2,000	George Bush
N—5,250	William Jefferson Clinton
OM—18,500	George Bush
OM—1,750	William Jefferson Clinton
OP—11,450	George Bush
OP—21,700	William Jefferson Clinton
P—38,375	George Bush
P—5,700	William Jefferson Clinton
X—6,250	George Bush
X—1,250	William Jefferson Clinton

Source of individual contributions:
D=doctors
H=hospitals
I=health insurance cos.
L=lobbying firms with major health care clients
M=Mental health professionals
OM="other medical"—medical supplies, services, etc.
P=other providers (nurses, therapists, etc)
P=pharmaceutical cos.
X=HMOs

Amount and Committee name	Candidate
$8,937—California Medical Political Action Committee.	George Bush
5,000—Smithkline Beecham Political Action Committee.	George Bush
1,000—Smithkline Beecham Political Action Committee.	George Bush
500—Smithkline Beecham Political Action Committee.	George Bush
100—Smithkline Beecham Political Action Committee.	George Bush
1,000—Hospital Corporation of America Political.	George Bush
100—Hospital Corporation of America Political.	George Bush
1,000—Florida Health Political Action Committee.	George Bush
100—Florida Health Political Action Committee.	George Bush
8,937—California Medical Political Action Committee.	William Jefferson Clinton
500—Washington Psychiatric Society Political.	William Jefferson Clinton
500—Washington Psychiatric Society Political.	William Jefferson Clinton

[From the Washington Post, Mar. 19, 1993]

MEDICAL PACS GROW IN SCOPE CONTRIBUTIONS, LOBBYING RISE

(By Charles R. Babcock)

For years, Loyd R. Wagner, a pathologist from Sioux Falls, S.D., occasionally lobbied his home-state members of Congress. But he never got involved in raising money for political campaigns until last August, when he and his colleagues decided that, with health care overhaul on the horizon, pathology "might get lost" on the agenda of lobbying giants like the American Medical Association.

The new political action committee (PAC) of the College of American Pathologists, which Wagner now heads, quickly raised and doled out $52,500 to congressional candidates.

The pathologists are not alone. As a group, 199 health care PACs gave nearly $15 million to congressional candidates in 1991–92—up 26 percent from two years earlier—according to an analysis by the Center for Responsive Politics. Overall, PAC donations went up about 19 percent.

The number of new PACs in the field grew by 28 percent. In addition to the pathologists, anesthesiologists and plastic surgeons also formed their own PACs. "We can't always count on our very limited points of view being represented by the AMA," said Dennis Lynch, a plastic surgeon from Temple, Tex.

The plastic surgeons PAC gave $85,700 in the last election cycle; the new anesthesiologists PAC gave $112,450.

The AMA PAC, representing 270,000 physicians nationwide, led the industry with $2.9 million in direct donations to candidates and another $1 million in "independent expenditures." This independent spending was on behalf of six House incumbents and Sen. Bob Packwood (R-Ore.), all of whom faced close races. One of the House members lost.

The new PAC giving illustrates the many voices vying to be heard in Washington as the medical groups and companies, beginning during the presidential campaign, have prepared for health care overhaul. Clinton's overhaul package is scheduled for release this summer.

"That's the way the system is supposed to work," Thomas Mann, an expert on Congress at the Brookings Institution, said in an interview yesterday. "Health care reform has been in the air ever since the Wofford race in 1991 [when Sen. Harris Wofford (D-Pa.) used the health care issue to win a comeback victory]. Groups knew that if Clinton were elected there would be a serious effort to radically restructure the industry. A whole lot of livelihoods are caught up in this."

In addition to the new physician PACs, two home care companies also entered the fray and started sizable new PACs. Invacare Corp. of Elyria, Ohio, a maker of wheelchairs and other medical equipment, gave $50,150. T2 Medical Inc., of Alpharetta, Ga., a leading player in the controversial "home infusion" industry—which provides intravenous drug and feeding services to patients after their release from hospitals—gave $32,500.

In all, about 44 health care PACs that previously had given nothing or did not exist, gave donations in 1991–92. At least 10 additional new health care-related PACs have been registered with the Federal Election Commission since the election last November.

The new PAC activity also comes at a time when the Senate is starting consideration of a Clinton proposal to squeeze PAC and other special-interest money out of the federal election system.

"The larger point is something basic in democracy," Mann said. "When you have a large, powerful government threatening to do something, people will organize to petition it to see that the proposed restructuring does them more good than harm."

Larry Sabato, a University of Virginia professor who has written extensively about PACs, said the growth and increased activity of health care PACs was significant, but not surprising. "The whole history of the PAC movement is that whenever an issue is on the front burner, additional PACs are formed, sometimes dozens of them," he said.

Some larger health care PACs increased their giving dramatically. These included PACs run by chiropractors, up 270 percent to $641,746, emergency physicians, up 154 percent to $330,725, and Syntex Inc., a drug company, up 439 percent to $121,644.

Health care PACs are not the only source of money in the reform debate. Some of the $9.7 million that 150 insurance company PACs gave—up 8 percent—was connected to this debate. It is difficult to break out how much because many companies sell health, life and other products. Others, such as American Family Corp., the leading seller of cancer insurance, concentrate on health. Its PAC gave $503,000 in 1991–92.

Individuals and companies identified as part of the health care industry gave another $3.4 million in corporate and personal checks to "soft money" accounts of the national parties, according to Josh Goldstein, who tracks those donations for the Center for Responsive Politics. The largest giver was U.S. Surgical Corp., a maker of surgical instruments, which gave $240,200 in corporate funds, most of it to the Republican Party.

Soft money cannot be given directly to candidates, but it can be used for activities, such as "get out the vote" drives, that help both state and federal candidates.

Pathologist Wagner and his group of 13,500 specialists concentrated their Washington lobbying effort for years on a grass-roots program of bringing doctors to town when needed, he said. "We basically had a reluctance to just send money after the political process," he said.

Another pathologists official noted that with health care overall on the front burner—and some members of Congress no longer willing to speak to the group since the ban on honoraria— "the members felt they needed one more tool in their bag of tricks."

The American Society of Plastic & Reconstructive Surgeons, which has about 5,000 members, started its PAC—called PLASTYPAC—in late 1990 because of concerns over the quality control of clinical laboratories, according to Lynch. "It was a way to get access to congressional folks and to stimulate our membership to get involved in federal and state politics," he said.

PLASTYPAC's donations are rarely more than $1,000, Lynch noted. "I know that doesn't buy you much in Washington," he said, "But it does get the attention of the congressional folks, who are willing to let us in and hear our point of view."

Adrienne Lang, director of government affairs for the American Society of Anesthesiologists, said her 30,000-member group's decision to form a PAC in October 1991 was triggered by fear.

"Physicians are now concerned about the unknown," she said. "This specialty always has been targeted for cuts in the federal budget [for Medicare reimbursement rates]. And with the great fear—'What the hell is going to happen in health care reform?'—now is the time to be active if you're ever going to be."

Roger Litwiller, a Roanoke anesthesiologist who is chairman of the PAC, added: "There had been a sense among our members for a number of years that we needed to become more politically active in Washington." The PAC is "complementary" to the AMA's, and was formed because of the "constant battle we fought with Congress over what we considered a fair reimbursement for our services."

Letwiller said he was pleased but not satisfied that more than 8 percent of his group's members made contributions to the PAC in its first year. "That says that more than 90 percent of my colleagues don't understand the political process affects the way we practice medicine," he said.

CONTRIBUTIONS BY HEALTH-CARE POLITICAL ACTION COMMITTEES

[Top contributors]

Organization	1989–90 Total	1991–92 Total	Percent change
1. American Medical Association	$2,375,537	$2,936,086	24
2. American Dental Assocation	817,428	1,420,958	74
3. American Acad. of Ophthalmology	960,411	801,527	−17
4. American Chiropractic Association	173,350	641,746	270

CONTRIBUTIONS BY HEALTH-CARE POLITICAL ACTION COMMITTEES—Continued

[Top contributors]

Organization	1989–90 Total	1991–92 Total	Percent change
5. American Hospital Association	502,689	505,888	1
6. American Podiatry Association	256,750	401,000	56
7. American Optometric Association	329,600	398,366	21
8. American Health Care Association	262,880	382,019	45
9. American College of Emergency Physicians	130,340	330,725	154
10. American Nurses Association	289,860	306,519	6
11. Association for the Advancement of Psychology	167,783	273,743	63
12. American Physical Therapy Assoc.	149,750	198,941	33
13. Eli Lily & Co.	175,740	195,530	11
14. Pfizer Inc.	137,300	188,100	37
15. Schering-Plough Corp.	126,434	186,050	47
16. Federation of American Health Systems	174,350	180,350	3
17. Glaxo Inc.	105,850	175,522	66
18. Corporation for the Advancement of Psychiatry	116,426	165,980	43
19. American Association of Oral & Maxillofacial Surgery	105,000	163,000	55
20. Abbott Laboratories	168,950	157,075	−7

Source: Center for Responsive Politics.

Top recipients of health-care PAC money

Name (party-state)	*Amount*
Senate:	
1. Bob Packwood (R-Ore.)	$192,400
2. Thomas A. Daschle (D-S.D.)	173,749
3. John McCain (R.-Ariz.)	160,883
4. Charles E. Grassley (R-Iowa)	144,412
5. Rod Chandler* (R-Wash.)	143,400
6. Christopher J. Dodd (D-Conn.)	128,742
7. Dan Coats (R-Ind.)	124,550
8. Dianne Feinstein (D-Calif.)	114,819
9. Arlen Specter (R-Pa.)	113,868
10. Christopher S. Bond (R-Mo.)	110,238
House	
1. Henry A. Waxman (D-Calif.)	$152,600
2. Fortney "Pete" Stark (D-Calif.)	151,751
3. Richard A. Gephardt (D-Mo.)	134,300
4. Gerry Sikorski* (D-Minn.)	104,460
5. Dan Rostenkowski (D-Ill.)	91,850
6. Sander M. Levin (D-Mich.)	90,347
7. Vic Fazio (D-Calif.)	85,055
8. Steny H. Hoyer (D-Md.)	83,874
9. Bill Richardson (D-N.M.)	82,682
10. Thomas J. Bliley Jr. (R-Va.)	81,450

*No longer in Congress.

Mr. FORD. Madam President, I ask unanimous consent that a vote on or in relation to the Wellstone amendment 370, as modified, occur at 3 p.m. today, with no intervening action or debate; that no second-degree amendment be in order thereto.

The PRESIDING OFFICER. Without objection, that will be the order.

Mr. FORD. I thank the Chair.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I did not come to the floor to speak to the amendment of my colleague from Minnesota, although he was kind enough to recognize me on the floor. He is right. We do agree on some things, but we probably disagree on many other things. I know in Minnesota it is simply different. I will have to be very blunt about this.

When it comes to campaign reform, I do not support his position, and the reason I do not—although I am from a mining State—is that I do not believe campaigning and politics ought to be about mining taxpayers. And the bottom line of the reform that we have on the floor of the U.S. Senate today has one premise: public financing.

The last time I checked, we were trying to cut the burden on American taxpayers, while making an honest, fair, and balanced approach to campaigning, which the American people can say was forthright, fair, and allowed entry of those citizens who wished to seek public service. I suggest that the best way not to do that, or to ultimately stagnate or, shall I say, create an entirely different system that the American people are not aware of, is to create a major thrust in public financing.

I will suggest that I am from a mining State, but this is not what I believe is the right form of mining, and that is mining the American taxpayer. And, bottom line, that is what this kind of campaign reform is all about.

Mr. WELLSTONE. Madam President, I yield the floor to the Senator from Kentucky, if he wishes. We will have a full debate on public financing. That was not really the major import of this amendment.

We will have a debate later on the import of this amendment. I remind my friend from Idaho, again, that the import of this amendment is that if we are serious about eliminating the big money out of politics, if we are serious about reform, if we want to justify the assurance that there are not some people that count more than other people, I believe we ought to drastically reduce the limit on voluntary contributions.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, I ask unanimous consent that the time for the recess might be extended for 2 minutes so I might make remarks about the pending amendment.

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

Mr. BOREN. Madam President, I certainly again want to compliment our colleague for his commitment to campaign finance reform and his efforts to try to squeeze special-interest influence out of the process.

I, regrettably, must oppose the pending amendment. Crafting legislation of this kind requires a careful balance. It requires a consideration of the points of view of all of our colleagues, and I think here we have struck the proper balance in our bill. We have greatly reduced—in fact, virtually done away with—the influence of political action committees and special interests.

We do provide a partial provision for public resources as incentive to accept spending limits that reduce the burden on individual candidates to go out and raise large sums of money, taking

them away from their duties here, having their time spent on raising money instead of performing their duties in dealing with the problems facing the country.

The Wellstone amendment would reduce the individual contribution limit that an individual would contribute from $1,000 per election, to $100 in an election cycle.

I point out, it is provided that the public funding regime be in place to provide significant public funding to candidates in primary and runoff elections, as well as general elections.

I do not think it is reasonable to believe that we are going to be able to move that far. There is such a thing as loving a bill to death, as we used to say when I was a member of the Oklahoma Legislature. That means loading it down with provisions that might seem good in and of themselves, but each time a provision is added on, you lose a few more votes for the bill.

It is important that we pass a bill that is as strong as we can possibly get it. I am worried that this will overload the boat, because I do not think we are having a very strong debate now about even modest resources for the general election.

I think pushing those resources back into the primary and runoff, as well, will just not be doable in the current political atmosphere, and that we could jeopardize a major step toward meaningful campaign finance reform if this amendment were passed.

I also point out that under current law, contributions of $50 or less are not itemized and fully disclosed, at least as a requirement of law. We could ironically end up with more nondisclosed contributions than under the current law with the time involved. All of us want to encourage the raising of small in-State contributions. I think to rule this out, especially for new candidates who need seed money—they do not have computer banks with thousands of names and addresses that they can use; those computer banks cost money and take time to build up. But particularly for new people breaking into the process, to say they cannot begin to start out with a few contributions of at least a few thousand dollars or less to help them get started, to help them get computerized mailing lists, and other things that it takes in order to try to reach small contributions, I think would be difficult.

With all due respect, while I am sympathetic with the basic purpose of this, and it is to reduce the influence of those who happen to have large resources in campaigns, I do think there are disadvantages we have here we should seriously consider.

My fear is, if the amendment is adopted, it would be used as an excuse by some to vote against the entire bill.

I urge my colleagues to oppose the Wellstone amendment, vote against it, as well meaning as it might be. It pains me to have to differ with my colleague because, as I said, on most of the issues involved with campaign finance reform, he is on the side of the angels. He wants to do the right thing, and the proposals he made have certainly been proposals aimed at improving this system.

So it is with reluctance that I must oppose the pending Wellstone amendment.

Mr. WELLSTONE. Madam President, I ask unanimous consent for 2 minutes to respond to our colleague, and I know we will have another hour after lunch.

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

The Senator from Minnesota is recognized for 2 minutes.

Mr. WELLSTONE. Madam President, I thank the Senator from Oklahoma. I think he made a very constructive suggestion. I think we can have disclosure for smaller contributions, and that is what we should do if this amendment is adopted.

The second point that I want to make is, as far as the primary is concerned, I really believe—and I say this very seriously to my colleague from Oklahoma—that we are vulnerable on this question. Because it looks as if incumbents who want to make sure that, when it comes to the primary, if you want to give challengers a chance, unless they are wealthy, or unless they are connected to big bucks, the only way you are going to do it is if you have some system of public financing apply to those primaries.

It seems to me, efforts on the part of an incumbent to say: No, we do not apply this to primaries, primaries narrow the choice down to two candidates; I feel very strongly there is, if you will, a principle of democracy and we ought to apply this to primaries, as well.

I know we are running out of time. I say again to my colleague from Oklahoma, this amendment is within the context of public financing applied to both general and primary. Right now, for someone going through this who is new to politics, it is impossible for someone to run for office, much less win. Most people do not even want to do it, unless we can move away from this horrible money chasing, going after all this big money, which is so distasteful, and move toward the major changes.

That is what this amendment tends to do.

RECESS UNTIL 2:15 P.M. TODAY

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived and passed, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to address the Senate as if in morning business.

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

THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. BAUCUS. Mr. President, I rise today to underscore the need for strong environment and labor side agreements to the proposed North American Free-Trade Agreement.

As you may know, United States, Canadian, and Mexican negotiators met last week in Ottawa to begin discussing the most crucial part of the proposed environment and labor side agreements—the dispute settlement process.

The U.S. negotiators proposed a mechanism that would allow trade sanctions to be used at the end of the day if one of the NAFTA countries failed to enforce its environment or worker rights laws. I applaud the Clinton administration for adopting this approach.

However, it appears this important round of negotiations did not go very well. Canada and Mexico are balking at the prospect of using trade sanctions to enforce these laws. They think that this type of enforcement is too adversarial.

Like the Clinton administration, I do not see it that way. And I am confident that most of the U.S. Congress does not see it that way. Instead, most of the Congress views the Clinton approach as tough, but fair.

Let me explain why. Right now, Mexico, the United States, and Canada all have good, solid environmental and worker rights statutes. But Mexico does not enforce its laws. And apparently, there is no incentive for them to do so at the moment. A recent General Accounting Office study found that of eight United States-owned maquiladora operations reviewed, six of them failed to meet Mexican environmental standards.

This lack of enforcement is not only detrimental to the health and well-being of Mexicans and Americans who live along the border region, but it constitutes a trade advantage for Mexico.

So, if we want to ensure that NAFTA benefits the economies and workers of all three countries, as well as the environment we all share, we need to give Mexico—and the United States and Canada—the incentive to enforce their laws. And since these are side agreements to a trade agreement, that means using trade sanctions.

Just for the record, Mr. President, I hope we never need to use trade sanctions. Never. To use trade sanctions

would be to fail in our effort to ensure adequate enforcement. Make no mistake—sanctions are not the goal. The goal is to uphold environment and worker rights laws.

I will be the first one to cheer if the dispute settlement process we are proposing gathers dust. I hope that every dispute can be resolved amicably and without formality.

Over the weekend, Canada's top negotiator, John Weekes, said that he would like the dispute settlement to be more cooperative. So would I. But we need a formal process—with recourse—in case countries are not cooperative. Because if any one country is not cooperative, it hurts all three countries.

And last, let me remind Canada and Mexico of something. Without trade sanctions as a last resort, NAFTA is not in this country's best interest. And polls show that most Members of Congress will not vote for a NAFTA that does not include side agreements with teeth. Simply put: No teeth, no NAFTA. The threat of sanctions is a necessary deterrent.

I certainly hope Canada and Mexico come around on this issue. Because I would like to be able to vote for NAFTA. By cutting Mexico's 10 percent average tariffs and opening its services and investment markets to United States companies, NAFTA has the potential to create thousands of new export-related American jobs. It has the potential to create a market with a $6.4 trillion output, a domestic product rivaling that of Western and Eastern Europe combined.

But I cannot vote for NAFTA unless it not only betters our economic future, but ensures good working standards and clean air and water across the continent. And these benefits can only be assured through tough but fair side agreements.

I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

PROFOUND DISAPPOINTMENT

Mr. DECONCINI. Mr. President, I am taking the floor today to express my profound disappointment over the decisions made this weekend by the United States, along with Russia, Great Britain, France, and Spain, in regard to the future of Bosnia and Herzegovina.

In 1975, the leaders of the United States, Canada, and all of Europe signed the Helsinki Final Act of the CSCE, which enunciated important principles which were to govern European affairs. Among them were principles regarding respect for human rights, the territorial integrity of states, obligations under international law and, above all, the notion of nonuse of force to settle differences. Fifteen years later, triumphantly celebrating the end of the cold war, the leaders of these Helsinki/CSCE-signatories affirmed that "Europe is liberating itself from the legacy of the past * * * Ours is a time for fulfilling the hopes and expectations our peoples have cherished for decades: steadfast commitment to democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all our countries. * * * The ten principles of the Final Act will guide us towards this ambitious future." Last year, the leaders again assembled, again in Helsinki, and reaffirmed these principles as "the collective conscience of our community." They even went as far as to state that "security is indivisible. No state in our CSCE community will strengthen its security at the expense of the security of other states. This is a resolute message to states which resort to the threat or use of force to achieve their objectives in flagrant violation of CSCE commitments."

During the year since the Bosnian war began, the international community's failure to respond effectively and decisively to the conflict has called into question the integrity of the commitment of the CSCE states to ensure respect for these CSCE principles. The decision taken this past weekend was, in my view, tantamount to a repudiation of the principle that force is an unacceptable means for addressing political ends. It seems as if Europe is giving in to the principle that might makes right in the interest of political expediency.

The Vance-Owen plan, for Bosnia and Herzegovina, in my view, was bad enough in rewarding the Bosnian Serb militants for their aggression, but this weekend's agreement does not even attempt to honor this limited plan that was proposed and accepted by everyone except the Serb militants in Bosnia. Instead, the unwanted Bosnians—mostly Muslims of Slavic background—are to be herded into so-called safe havens, although the United States will make no commitment even to ensure their safety, only to the safety of the international peacekeepers surrounding them. That is not much of a commitment or an encouragement for safety.

Serbian President Milosevic at one point—the same time, by the way, that multilateral intervention and the use of limited force was being most seriously considered by the United States—stated that he was going to stop supplying and supporting the Bosnian Serb militants, and that the international community should help police the borders to that end. Does this weekend's deal do anything to make this a reality, now that Mr. Milosevic is moving away from the idea of stopping the flow from Serbia into Bosnia and supporting the Serbs? The answer is clearly "No." Serb forces will remain well stocked as they continue their bombardment of Sarajevo and other villages and towns. Even more tragically, Bosnia and Herzegovina will remain crippled by an arms embargo imposed by the same United Nations that makes self defense a legitimate right for its member states.

I, for one, am deeply ashamed that the international community has backed down. In so doing, it has essentially delivered territory of a sovereign nation to the forces of aggression and genocide. It has sold out the victims of this genocidal conflict, and, let them be assured that they will not be the last ones to be murdered in this manner. This, I believe, can only have the most dire consequences for peace, security, and justice in our world.

President Clinton noted that at least we're together again, referring to the United States and Europe. The need for a multilateral approach is certainly something I do not question. But what about being together, as we were in Helsinki, Paris, and again early last year in Helsinki, in agreeing to uphold the noble CSCE principles governing European affairs? Where is that commitment today? And what about the Bosnian Government? Are we together with what we consider the only legitimate authority in Bosnia and Herzegovina? Bosnian President Izetbegovic has bitterly rejected this latest plan as totally unacceptable in that it rewards genocide, and indeed it does reward genocide, while Bosnian Serb militant leader Karadzic calls it realistic, and argues that President Clinton's decision to accept will make him a great president. The lack of resolve to stop aggression and genocide when it is occurring, as blatantly as it is just goes beyond my imagination as to how anybody can stand up and think we have done something positive as the Europeans, particularly the Russians, have said.

Yesterday, Mr. President, Paul Warnke had an excellent article in the Washington Post concerning the present job for NATO in today's Europe. He noted a recognition by NATO that following the collapse of the Soviet threat, the real risk to allied security is the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in Central and Eastern Europe. He noted that this was sound and prescient, but, judging from the response to the Bosnian crisis, apparently not a basis for NATO action. I highly commend this article to my colleagues because he has pinpointed something of great importance. Where is NATO to provide security to these nations? Where is the conference on Security and Cooperation? Where are the Principles of the Helsinki Final Act that all these nations, 53 of them now, have subscribed to CSCE and, yet, genocide in the worst way since the

1930's and 1940's is taking place right in front of our eyes.

What is comes to is that we have failed. We have truly failed here as a Nation and as a community of nations. The Europeans have failed to remember just 50 years ago what happened in Europe. The Russians have failed to remember what happened in their country by one, the Germans; second, by their own leader, Mr. Stalin. And we are just going to pass this along and permit the Serbian militants, with the support of Slobodan Milosevic, the President of Serbia, to continue to arm them, to continue to provide them with weapons so that they can kill and murder and commit genocide in Bosnia and Herzegovina uninterrupted.

Mr. President, we cannot do this as a Nation and as a people and as a community in cooperation with Europe. I cannot believe that today is where we are in this very vital subject matter. And I pray—literally pray—that somebody will become more dedicated to bring about the collective wisdom to take some actions at least to lift the embargo against Bosnia and Herzegovina. So as one Senator said sometime ago—I believe it was the Senator from Delaware [Mr. BIDEN]—that if they are going to die at least let it be in defense of their villages and farms and land and with some dignity.

Quite frankly, I think if they had a level playing ground, they could even that fight that is going on there and perhaps bring this to a close.

The United States, under President Clinton, has offered some proposals that have been turned down such as using limited force and taking off the embargo so that they can be equipped militarily to fight back, and that has fallen on deaf ears.

Something has to happen more than just speeches, I know. Having been there four times, as I have maybe you get a little too close to it, but these are people who are being murdered every day as we stand by talking about it and doing very little.

I thank the Chair and yield the floor.

Mr. President, I ask unanimous consent to print in the RECORD the article by Paul Warnke which I referred to.

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

WHO NEEDS NATO? BOSNIA DOES—BUT IS THE ALLIANCE STILL RELEVANT?

(By Paul C. Warnke)

Where is NATO when we need it? A strong NATO initiative in Bosnia should not be discouraged by defeatist cries that it won't work and that the NATO allies will be dragged into a quagmire—another Vietnam. The time has come to stop running foreign policy by purported historical analogies. The choice is not between " no more Vietnams" and "no more Munichs." This is a different situation and it calls for a new approach. It calls for the North American Treaty Organization to get tough.

The slaughter and territorial annexation in the remnants of Yugoslavia have been fueled by the obvious conviction of the leaders of the Bosnian Serbs that no outside force will be used to end their depredations. Up to this point, nothing appeared to block their aspirations for another Serbian republic in eastern and northern Bosnia thoroughly "cleansed" of Bosnia Muslims. Indeed, at least until yesterday's announced joint action by foreign ministers of the United States, Russia, Great Britain, France and Spain, there were growing signs of tacit acceptance by Western leaders of the Serb's preferred final solution.

Yet, when NATO ministers met in Rome in November 1991, they announced that, with the end of the Soviet threat, the real risks to allied security would arise from "the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes,which are faced by many countries in Central and Eastern Europe." The analysis was sound and prescient; unfortunately it appears not to have been intended as a basis for NATO action.

The meeting yesterday of U.S., European and Russian foreign ministers provides some basis for hope—though no guarantee—that collective action can be taken to end this tragedy. A failure to do so would, I believe, be extraordinarily short-sighted, inconsistent with European security and with a healthy world economy. Acceptance of the principle of ethnic homogeneity as a criterion for new statehood would set a dubious and dangerous precedent. Not only would it signal that the world community will look the other way when mini-Holocausts occur, but it could lead to the encouragement of a multitude of mini-states whose whole reason for existence would be a common religion or ethnicity. For example, the unrest and diversity in the Russian Federation could lead to additional attempted secessions and possibly to an upsurge of greater Russian nationalism.

A case can often be made for self-determination. But certain criteria should be established for recognition of a sovereign entity. These should include, at a minimum, good chances for survival, protection for the rights of minorities and an ability to provide order and the necessities for a decent standard of living. Certainly in today's mobile world, an area's ethnic or religious homogeneity cannot be scored as a plus in the quest for statehood.

There are, of course, no easy or risk-free measures that can be undertaken to end the barbarity and bloodshed in Bosnia. But the powerful industrialized democracies, and the international institutions they control, can be legitimately discredited if they stand aside and fail to make a serious effort.

Despite the suggestions that the Bosnian tragedy is the fault of everyone there and the logical culmination of ancient hatreds, there is no reason to believe that most of the Serbian, Croatian and Muslim populations are consumed by a desire to rape, torture and kill one another. As is unfortunately often the case, most of the troops and guns in what used to be Yugoslavia are under the control of thugs, who acquired positions of power during the years of Communist dictatorship.

Nor is there any real reason to believe that the thugs' zeal for ethnic cleansing will stop at the Bosnia-Herzegovina borders. If the Serbian leaders, in particular, come to believe that those who could stop them won't commit the resources needed to do so, the next military excesses may occur in the Albanian-populated enclave of Kosovo in southern Serbia, or the republic of Macedonia where a polyglot population now appears willing to live in peace.

As French Foreign Minister Alain Juppe observed at yesterday's meeting, it is clear that everything still depends on the international community's ability to gather the means necessary to meet the responsibilities outlined in the communique. NATO is the one international institution with an integrated military command that can bring to bear force or the threat of force to end military conflict. As recently as last December, the NATO foreign ministers met—with France in attendance—and declared their willingness to support peacekeeping operations under the auspices of the United Nations or the Conference on Security and Cooperation in Europe (CSCE). They also agreed that NATO military authorities should be instructed to plan and prepare forces for such missions. Again, the rhetoric has not been matched by the response.

The traditional NATO reluctance to intervene "out-of-area," if it remains relevant anywhere, certainly should exercise no inhibiting effect in Bosnia. The former Yugoslavia is bounded by NATO countries to the west, the south and to the east. An expansion of the conflict into other remnants of that shattered land could even find two NATO countries, Greece and Turkey, taking opposing positions.

The disappointing reaction of our European allies to the recent attempts of Secretary of State Warren Christopher to forge a NATO consensus should not be taken as final, nor should a continued effort to bring NATO into serious engagement be feared as causing an alliance rift. It is, I believe, understandable that some of our European friends questioned whether the prescription then advanced by the United States—arming the Bosnian Muslims and attacking Serbian targets—is the best way to bring about peace. But NATO, as the primary European security instrument, can justly be called upon by the United States to come up with a military plan that its members deem more appropriate to meet the crying need for a peaceful solution.

At the foreign ministers meeting yesterday, additional steps were outlined to improve and enlarge the safe havens in Bosnia, to patrol the borders and to prevent the conflict from extending outside the borders of Bosnia-Herzegovina. The United States offered to assist in this effort, but not with ground troops. But none of this in itself is apt to scare the war lords or spare the Bosnian people. There will be no safe havens and no end to the slaughter unless and until significant military forces are introduced into the area. Only NATO can do it. A unilateral American venture is, and should be, out of the question. But the United States should press NATO to design and implement such a plan without delay. The forces would be deployed in a peace-enforcing mission, but with authority to take aggressive military action against any activity that seeks to interfere with that mission. The United States, of course, must do its part as a member of NATO. Russian participation should be encouraged.

The NATO deployment would remain while the contending factions work out whatever compromise arrangements they can all live with. Whatever the starting point, the eventual result would in all likelihood have to be a Bosnian government and military arm that reflect a Muslim majority. Bosnia-Herzegovina has, it must be remembered, received international recognition as a sovereign state, however premature that rec-

ognition may have been. If some of its Serbian and Croatian inhabitants don't like living under such a Bosnian government, there are obvious places they can go.

There can, of course, be no certainty that strong NATO intervention will do the job. But there is good reason to think that it very well might. Most bullies are cowards and the present aggressors have thus far been in a "no lose" situation. If they are faced with the fact that their continued violations of human rights and international law will cost them heavily, they could well reconsider their present policy.

Bosnia is not Vietnam; NATO intervention there would not involve misguided ideologically-driven war. Nor would it replicate the courageous Serbian guerrilla resistance to the Nazi invaders. Serbian and Croatian soldiers are not now fighting for national survival. The security and independence of their own countries is not challenged. The fighting now is about carving up another country.

If NATO fails to act on its 1991 perception of the real threats to European security, this in all probability will not lend to its death and dissolution. Western European leaders will still see it as a useful institution for keeping the United States formally engaged and making it easier for the other Europeans to live with a bigger Germany and a troubled successor to the Soviet Union that is appreciably smaller but still the biggest kid on the block.

But a strong NATO response to the present crisis would more than justify its post-Cold War existence. Lacking such a response, it will limp along, but will no longer be taken seriously as the leading instrument of international or even European security.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

I thank Senator DECONCINI from Arizona for his remarks. I know those are not just words but what he feels very deeply.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued consideration of the bill.

Mr. WELLSTONE. Mr. President, I would like to go back to the amendment I introduced and that we have been discussing. We will be voting on this at 3 o'clock so I will not take a lot of time.

I am going to start again with a few figures, Mr. President.

The average cost of a Senate campaign in 1992 was $3.7 million, and in 1990 incumbent Senators spent on the average $4.5 million. We are supposed to, Mr. President, as you well know, raise on the average of $12,000 a week in order to be viable candidates. That varies with size of State. That is the average size. I would hope that is way too much for North Dakota.

But, Mr. President, I think we just have to put a stop to this money chase. One more time. I talk with colleagues—and I consider colleagues on the floor of the Senate to be friends, agree or disagree—and every once in a while when we talk about reform, we talk about campaign finance reform or talk about good government, people kind of look at me and they say, "Paul, you know, the bread and butter issues are the economy and health care. Those are the issues that really dramatically affect lives. People are not that interested in this."

Mr. President, the political earth has just moved beneath our feet, and I think we are missing an essential truth in American politics today, which is that there is a tremendous amount of indignation and disillusionment and, unfortunately, cynicism about the political process. I think part of the reason is people really believe—I would like to make the case, which is the why of this amendment, that it is not just a perception. Unfortunately, I think it is in part a reality—people believe that big dollars, huge amounts of money given by those who have the financial wherewithal to make the big contributions, has undercut representative democracy. They feel as if they are not in the loop, that they have been cut out of the loop. And most people, again, if you talk to people in North Dakota or Minnesota in cafes and you ask people what is democracy to you, they will say political equality; each one of us should count as one and no more than one.

If that is the case, and we are talking about this money chase and we are talking about huge amounts of dollars being raised, not just PAC money—I now want to get to the other part, individual contributions—$1,000 at a crack, $1,000 during the primary, another $1,000 during the general election, which is now what is in the leadership bill, it is a step forward, but I wish to say one more time that this is a loophole. This is a sieve.

What is going to happen, Mr. President, is we are going to say no more PAC money. And then that money is just going to shift. It will not be an S&L PAC; it will be some executives. They will get together and give in the primary, and another $1,000 in the general. And what will happen? Any given lobbyist—people in Washington know how it works and people around the country know how it works. You have this lobbying coalition. They bring people together.

I have seen quotes from Senators, whose names I will not use, to the effect it is not that difficult to raise money. All you have to do is go somewhere for an hour; somebody has put together a fundraiser. Lobbyist X calls different folks. They give $1,000. You have 100 people; $1,000 each; $100,000 you raise. We have not eliminated what I think is a sieve. And all of this money that once was the PAC money just gets transferred in this other direction.

By the way, at least with PAC's, with labor unions, that is the way in which working people aggregate their money so that unions can give $5,000 in a primary and $5,000 in a general. They are not going to be the ones who are going to have $1,000 to contribute. But I will tell you one thing, a whole lot of people in the United States of America, namely at the very top of the economic structure, will have that money to contribute.

You ask a person in Minnesota or a person in North Dakota—I am sorry, Mr. President; I know you are not in a position to respond to me while you are presiding, but I think it is true—most people probably say, look $100 from me to contribute in a given primary and general election, that is about all I can contribute.

So what I am saying is if the standard is each person should count as one and no more than one, then what we ought to do in exchange for a moderate amount of public financing applied to general and primary—I think these limits on contributions should only take effect if we have that public financing, and that is going to be debated later on in a whole series of amendments—we should drastically reduce the individual contributions.

U.S. News & World Report came out with a study May 24, and I just want to point, Mr. President, to some figures here that I think are important. We are now talking about the health care industry contributions in the cycle 1990 to 1992: $41.4 million. This is soft money. This is PAC money. This is individual contributions. In other words, let us not be abstract about this debate.

Let me take what has become a compelling issue in American politics, namely whether or not we are going to have health care reform. And as much as I do not like to make this argument, as much as it breaks my heart to make this argument, I think there is a very strong correlation between the way we finance our campaigns and the way money mixes with politics and what we will end up doing or not doing for people vis-a-vis health care. Because what this figure tells us, what this U.S. News & World Report study tells us, call it PAC money, call it soft money, call it party money, call it individual money—in this particular case we are calling it health care industry money all combined—$41.4 million between 1990 and 1992, a good part of that money is going to candidates, going to Senators and Representatives in opposition to major health care reform.

So that when we talk about health care and whether or not we are going to have some system of universal health care coverage, and then we talk about the opposition of the insurance industry and the pharmaceutical industry, for example, we are talking about whether we have a democracy for the few or a democracy for the many.

Mr. President, I will tell you right now, that is what this debate is going

to be about over the next several weeks, whether or not we are going to have real campaign reform and whether or not we are going to get the large, big money out of politics.

Now, this amendment does not say eliminate all private money. What this amendment says is eliminate all the big money. What it says is go to a $100 contribution per individual per cycle. I will tell you something. I think that meets the Minnesota cafe test. I think that is exactly what we ought to do. I think that is the direction we ought to go in.

Now, Mr. President, one more time I wish to make it very clear that I offer this amendment to the leadership bill in the spirit that we can do better. I am not arguing that the leadership bill is not a step forward. I understand full well what is being attempted, and I appreciate much of what is being done. But I think we have a big loophole. I would say to my colleagues that it is important for us to understand—and I may be a little bit off on this, but I believe about 65 percent of the money we raise on the average we raise from individual contributions.

Now, looking at 1990, and looking at FEC reports, contributions over $100, 20 percent were in amounts of $200 to $500; 78 percent were in amounts from $500 to $1,000. And I will tell you something else. If, as people in Minnesota say, money talks in politics, I will bet you that early money screams in politics.

I have not done the analysis, but I will bet if you were to do an analysis, and if you could do the analysis, you would find that especially in the early stages of a campaign where Senators or Representatives—I am talking about Senators today—put together their war chest which they can then put into direct mailing, then get smaller contributions so that your average contribution does not look that large, you will find that early money especially comes in in the form of these large individual contributions. They become, Mr. President, the gatekeepers.

And I really want to make an appeal to my colleagues, Democrats and Republicans alike, if in fact we want to talk about, as the President said, putting this Capitol back in the hands of people and we want to talk about a system, as some Republican colleagues said, where in fact incumbents have no advantage, then we are going to have to not only look at and go after an attempt to eliminate PAC money, but we are going to have to deal with the individual contributions at the high income end.

And if you are going to still tell people that they can contribute, each person, up to $2,000, you have an enormous loophole. I would predict, as much as I do not want to predict this, that everything will shift. It is like Jell-O. If you put your finger in it, it will go somewhere else. Everything is going to shift into PAC money, into aggregations of $1,000 contributions at these big gatherings. That will become Washington, DC, in postreform time. It will be a shift, but it will be the same issue. It will be the same big money; it will be the same big money dominating politics. It will be the same big money that too many of us are going to dig a hole into, and it will be the same big money that is going to disillusion people.

I know my colleagues, including my friend, Senator BOREN from Oklahoma, will say it is possible to "love a bill to death." And this is not just practical, but, Mr. President—I hope my good friends will permit me just the joy of saying this; I say this in the spirit of fun, and with a twinkle in my eye—beware of crackpot realism. Beware of this argument that—based upon some definition of realistic here in Washington, DC, here on the floor of the Senate—we cannot really take the steps to really eliminate this big money out of politics.

I think that is Washington realism. I do not think that is the realism in the cafes of North Dakota, or in Minnesota, or the State of Oklahoma.

I hope I will receive some good, strong support from my colleagues.

I yield the floor to the crackpot realist from the State of Oklahoma.

Mr. BOREN addressed the Chair.

THe PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I think I have been complimented by my good friend and colleague from Minnesota. I understand what my friend is saying.

As I have said earlier, I know his heart is absolutely in the right place. We both agree: We have far too much money pouring into politics. Far too much of it is coming out of special-interest groups; far too little is coming from grassroots, from the average American. And therefore the average American has come to believe that he or she really does not have much input into the political process anymore. That is a real tragedy.

That is why for 10 years I have been working on this effort. That is why I am very pleased that as soon as the Senator from Minnesota came to the Senate, he became a very strong advocate of campaign finance reform and has been there all along.

I regret that I cannot enthusiastically feel that I can depart from realism at this point and support his amendment. I do believe there is a problem in that smaller contributions are not itemized and reported now, whereas all contributions above $50 are itemized and reported. That is something we probably should change, regardless of what happens.

But I think also the fact that his proposal is really predicated upon the assumption that we will provide additional public funding of primary and runoff elections, as well as some incentives to allow people to accept voluntary spending limits in a general election, just makes it really not something that should pass. I think it is so urgent that we get on with the business of campaign finance reform when the average Member is spending $4 million to run—even in a small State—a successful race; when incumbents are able to raise three times as much in the Senate and five times as much in the House when running for reelection; when the PAC's are giving $6 to incumbents for every dollar to the challengers; and when the American people have lost faith in this institution. I think it is so urgent that we pass meaningful campaign finance reform that I am hesitant—and I hope my colleague will understand—to endanger the possibility of this bill passing, a strong bill passing, which I think we do have before us. It is not a perfect bill; no bill which is the product of a coalition is a perfect bill. But I simply feel compelled to oppose the Senator's amendment and to try to be the realist here.

But again, I commend my colleague for bringing this proposal to us, and I commend him for the very genuine and strong support that he has given this cause overall. I express my appreciation to him.

So while we do not happen to agree on this particular amendment, we are certainly together on the overall goal.

So, Mr. President, regrettably, I will vote against this amendment when the roll is called. I urge my colleagues to do the same.

Mr. McCONNELL. Mr. President, I would like to ask my friend from Minnesota a question. It could very well be that he covered this in his statement and I did not hear him.

Is the Senator from Kentucky correct that this contribution will become effective only when there is an effective law that provides significant public financing of Senate campaigns?

Mr. WELLSTONE. That is correct.

Mr. McCONNELL. Did the Senator from Minnesota define what is significant? At what level would this kick in under the Senator's amendment?

Mr. WELLSTONE. I listed some—since we have several weeks on this bill—ways to define what significant public financing is going to mean. Instead of other amendments, I feel that we would go through that.

Mr. McCONNELL. So it is the thought of the Senator from Minnesota that at some point subsequent in this debate, what significant is would be defined?

Mr. WELLSTONE. That is correct.

Mr. McCONNELL. I thank the Senator.

Mr. BOREN. 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. DOLE. 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. DOLE. Mr. President, since nobody is seeking recognition, I ask unanimous consent to proceed as in morning business for 2 minutes.

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

RETIREMENT OF ROSE MARY MONG

Mr. DOLE. Mr. President, I rise today to recognize Rose Mary Mong, a fellow Kansan, a dedicated member of my staff, and friend of many years. Rose Mary is retiring after over 14 years of faithful service to me, the Congress, and to Kansas.

Rose Mary began her service with then Congressman Bill Avery and later worked for him in his capacity as Governor of Kansas. She came to my Washington office in 1980 assisting in many important capacities.

In 1984, Rose Mary returned to Kansas to be closer to her family and to work in my Topeka office. For the past 9 years she has provided invaluable service to the citizens of Kansas especially the seniors to whom she dedicated much of her time and energy. One can travel the State of Kansas from border to border and find few of our senior citizens who do not know Rose Mary personally. Young and old, the people of Kansas hold Rose Mary Mong in high regard.

Rose Mary can be proud of her years of dedicated public service and of her success as a wife and a mother. I thank her for all her efforts on my behalf and wish her much happiness in her retirement and success in all her endeavors. She will be missed.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. McCONNELL. Mr. President, I asked the Senator from Minnesota a few minutes ago about his amendment, and he, I think, has clearly indicated that a vote for the Wellstone amendment appears to be—and he can respond to this—a vote in favor of yet more taxpayer funding than is in the bill at the moment.

I believe the Senator from Minnesota indicated that, later in the debate, we would find out what significant public financing means, which is what is in this amendment. My assumption is—and I say this by way of explanation to those in the Senate who may find taxpayer funding for elections offensive—that it appears to this Senator that the adoption of the Wellstone amendment does envision additional taxpayer funding of elections over and above what is in the underlying bill.

Consequently, it will be my intention to vote no on the Wellstone amendment.

I yield the floor.

Mr. DURENBERGER. Mr. President, I rise to oppose the amendment offered by my colleague from Minnesota, Senator WELLSTONE.

At the outset, I want to compliment Senator WELLSTONE for the intent behind his amendment, which is to bring an end to the perception that politics is becoming a money chase pure and simple.

I am afraid, however, that rather than ending the money chase, this amendment would have the undesirable effect of requiring candidates to spend a majority of their time on the money chase and less of their time debating the issues and educating voters. It is pretty simple math that if it takes a certain amount of time to raise money in $1,000 increments, it will take at least 10 times as long to raise the same money in $100 increments. That means more time and expense spent on fundraising and less spent on more enlightening parts of the campaign.

I recognize that that is not the end of the debate, however. The next question is whether there is anything inherently wrong with the current limits. The current individual contribution limit is $1,000. Even under the most restrictive proposed spending limits for the smallest States, each contribution will amount to less than one-tenth of 1 percent of the total spending by a candidate. In the largest States, each of the contributions will be a minuscule part of the total. Given that, it is inconceivable that there is any undue influence in an individual citizen giving $1,000 to a campaign.

It is not the case in this debate that smaller is always better. As we look at this amendment and others like it, we need to keep in mind that for all the flaws that exist in the campaigns we and our opponents currently run, there is a great potential for education and an exchange of views in campaigns. We need to encourage more. But it all requires funding.

So we must strike a balance between eliminating undue influence from campaigns while preserving the ability of candidates to disseminate information and freely communicate their ideas.

I believe the current limit of $1,000 strikes the appropriate balance between these two considerations. The current amendment, it seems to me, does not significantly improve the credibility of Congress but creates the risk of turning us into full-time fundraising machines.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

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

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

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays on the $100 contribution amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on amendment No. 370, as modified, as offered by the Senator from Minnesota [Mr. WELLSTONE]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN], the Senator from Texas [Mr. KRUEGER], and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

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

The result was announced—yeas 13, nays 84, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—13

Bradley	Grassley	Simon
Cohen	Harkin	Wellstone
Conrad	Lautenberg	Wofford
DeConcini	McCain	
Feingold	Metzenbaum	

NAYS—84

Akaka	Dorgan	Lott
Baucus	Durenberger	Lugar
Bennett	Exon	Mack
Biden	Faircloth	Mathews
Bingaman	Feinstein	McConnell
Bond	Ford	Mikulski
Boren	Glenn	Mitchell
Boxer	Gorton	Moseley-Braun
Breaux	Graham	Moynihan
Brown	Gramm	Murkowski
Bryan	Gregg	Murray
Bumpers	Hatch	Nickles
Burns	Hatfield	Nunn
Byrd	Helms	Packwood
Campbell	Hollings	Pell
Chafee	Inouye	Pressler
Coats	Jeffords	Pryor
Cochran	Johnston	Reid
Coverdell	Kassebaum	Riegle
Craig	Kempthorne	Robb
D'Amato	Kennedy	Rockefeller
Danforth	Kerrey	Roth
Daschle	Kerry	Sarbanes
Dodd	Kohl	Sasser
Dole	Levin	Shelby
Domenici	Lieberman	Simpson

Smith	Stevens	Wallop
Specter	Thurmond	Warner

NOT VOTING—3

Heflin	Krueger	Leahy

So the amendment (No. 370), as modified, was rejected.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 372 TO AMENDMENT NO. 366

(Purpose: To amend the Federal Election Campaign Act of 1971 to ban activities of political action committees in Federal elections)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. BOREN. Mr. President, will the Senator withhold his request for just a moment? Mr. President, will the Senator just allow me to make a motion to reconsider the vote on the previous amendment?

Mr. PRESSLER. Yes.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the previous amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. I remind the Senator from South Dakota that we have a pending amendment in the second degree.

Mr. MCCONNELL. Mr. President, it is my understanding the junior Senator from Minnesota does not object to having that laid aside to consider other amendments. Consequently, I ask unanimous consent that the Wellstone amendment and the second-degree amendment be temporarily laid aside.

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

Mr. PRESSLER. Mr. President, I have sent the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself, Mr. MCCONNELL, Mr. MCCAIN, and Mr. DURENBERGER, proposes an amendment numbered 372.

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

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

The amendment is as follows:

Strike section 102, beginning on page 37, line 6, and ending on page 43, line 15, of amendment No. 366, and insert the following:

SEC. . BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.".

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Section 301(4) of Federal Election Campaign Act (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof;

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year; and

"(D) any committee jointly established by a principal campaign committee and any committee described in subparagraph (B) or (C) for the purpose of conducting joint fundraising activities.".

(2) Section 316(b)(2) of Federal Election Campaign Act (2 U.S.C. 441b(b)(2)) is amended by striking subparagraphs (B) and (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of Federal Election Campaign Act (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.".

(2) Section 302(e)(3) of Federal Election Campaign Act (2 U.S.C. 432(e)) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.".

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period in which the limitation under section 324 of that Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a) and (b) shall not be in effect; and

(2) it shall be unlawful for any person that—

(A) is treated as a political committee by reason of paragraph (1); and

(B) is not directly or indirectly established, administered, or supported by a connected organization which is a corporation, labor organization, or trade association,

to make contributions to any candidate or the candidate's authorized committee for any election aggregating in excess of $1,000.

Mr. PRESSLER. Mr. President, this amendment, which I offer today on behalf of myself and several others, is a very basic one that addresses an area of the present campaign financing system that greatly concerns me and my constituents. Plain and simple: It bans political action committees, PAC's, from participating in campaigns for Federal office.

Unlike the underlying bill, it bans PAC's from both House and Senate election campaigns. The underlying bill is seriously flawed, in my estimation, because it bans PAC's only from Senate campaigns. I seriously question the merit of a bill that condemns a practice for Senators but encourages it for House Members.

In the last several years, we have seen many bills in the Congress purporting to be campaign reform legislation. Simply because the media or some public interest group labels a bill "campaign reform" does not necessarily make it so. Often, the use of this term involves considerable poetic license.

My amendment prohibits PAC's from participating in campaigns for Federal office. The amendment provides that only an individual, or a candidate's committee, or a political party committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.

PAC's would be outlawed from the business of political fundraising and contributionmaking for Federal office. I am convinced that when people say they want campaign reform, what they are saying is to get rid of PAC's. PAC's are publicly perceived to be organizations with large amounts of money ready to be lavished on candidates for Federal office in return for access and influence with those receiving the contributions. PAC's are playing an increasingly larger role in the financing of campaigns for Federal office.

Since passage of the Federal Election Campaign Act, FECA, in 1974, the number of PAC's has increased from 680 to 4,195 in 1992. PAC contributions to House and Senate candidates increased from $12.5 million in 1974 to $180.1 million in 1992, an increase of more than 400 percent, even accounting for inflation.

In 1974, 9 percent of winners in the House of Representatives received over half their funds from PAC's. In 1990, 55 percent of House winners received over half their funds from PAC's.

PAC contributions, as a percentage of congressional candidates' overall receipts in general elections, has steadily increased every year since 1974, starting at 15.7 percent in that year to 38.8 percent in 1990.

In 1992, PAC's contributed 24 percent of Senate campaign receipts. In 1992, PAC's contributed 38 percent of House campaign receipts. In 1992, incumbents received 79 percent of all PAC contributions, $119,789,287 versus $17,302,125 for challengers.

Corporate and trade association PAC's gave over 90 percent of their money to incumbents. With my amendment, all PAC's with segregated separate funds in parlance of the Federal Code maintained by unions, corporations, trade and health associations, membership organizations, cooperatives and corporations without capital stocks, savings and loans, shareholder insurance companies would no longer be able to participate in Federal elections.

Also prohibited from participating in Federal elections would be nonconnected PAC's, those not affiliated with the sponsoring organizations which are comprised of ideological and single-issue groups.

The amendment redefines political committees, and says only the campaign committee of candidates' and national, State and local political parties could make contributions, solicit or receive contributions, or spend money to influence Federal elections.

The amendment contains a provision that should a ban on PAC's be determined to be unconstitutional, then PAC contributions of $1,000 would be allowed. This was the PAC contribution limit suggested by President Clinton during the campaign.

So, Mr. President, if the complete ban on PAC's should be deemed unconstitutional, there would then kick in a $1,000 limit on PAC's for both House and Senate races. I might emphasize that the House and the Senate would be treated equally under this plan. If we are to conclude that PAC contributions are bad for Senators, then why are they not bad for House Members?

In the last Congress, this body passed a so-called campaign finance reform bill, S. 3, the Senate Election Ethics Act of 1991. It passed on a 56-to-42 vote. I voted for it. One of the reasons I did so was because it eliminated PAC's. Unfortunately, when it returned to the Senate after the House and Senate conferees were done with it, the PAC elimination provision was dropped. Consequently, I voted against the conference report on that bill and the subsequent unsuccessful attempt to override the President's veto of the bill.

But with the adoption of this amendment, campaigns would be put back under the total influence of the people we represent. Only individuals and the candidates' own campaign committees would be involved in the campaign fundraising system. The electorate want their elected officials to serve them, not the PAC's. The public is wary of the perceived influence generated by the large fundraising power of PAC's. Big financial contributors are suspect.

My amendment calls for us to do only that which this body did in the last Congress: Get the PAC's out of elections and back to the people, their elected representatives.

My amendment would improve the underlying bill dramatically. Simply banning PAC's in Senate campaigns falls way short of being even good enough. It is outright hypocrisy. Acknowledging the undue influence of PAC's by banning them in Senate campaigns but letting them operate in House campaigns creates a blatant double standard. If PAC's are deserving of banishment in the Senate, then surely they are in the House whose Members rely on their contributions far more than do Senators. Let us give the American people the action they want, a complete and total PAC ban.

We have been on this issue for a long time now. My colleague, Senator MCCONNELL, has been one of the great leaders on this issue over the years on this side of the aisle. I thank him for his assistance in developing this amendment.

I hope my Senate colleagues will support elimination of political action committees, vote for this amendment and put a major campaign reform abuse behind us.

So in conclusion, Mr. President, let me say that I am very eager to join in campaign reform. I am not eager to join in simple a partisan go around, merry-go-round.

Now, if we have a bill that suggests banning PAC's in the Senate, why would they not also be banned in the House where they are used even more. The logic does not make sense.

What is happening is that the majority in the House of Representatives is writing a bill that will protect their incumbents because that is how they raise most of their money. That is not campaign reform. The press should not report it as such. No one should. If we are going to ban PAC's in the Senate, as my friend from Oklahoma has provided the amendment or the provision in this bill, why would they not also be banned in the House? Why is the logic different from the Senate and the House?

Mr. President, I am available to answer any questions from my colleagues on the details of this amendment. I thank my cosponsors, and I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I commend the senior Senator from South Dakota for his amendment and rise in support of the amendment.

Senator PRESSLER should be commended for putting people first by putting PAC's completely out of business in congressional elections. When President Clinton unveiled his campaign finance plan, it was immediately evident that he had broken yet another campaign pledge, his promise to limit PAC's to $1,000, and had caved in to the House by leaving the PAC contribution limit in the House at $5,000. And for no good reason, other than political expediency, he proposed a different PAC contribution limit for Senate candidates, $2,500, and a $1,000 PAC limit for Presidential campaigns. It makes no sense at all, none. If we are going to have a multitiered PAC contribution limit, President Clinton had it backwards; the Presidential limit should be higher than the Senate, which should be higher than the House. That way the limit as a proportion of campaign spending is more comparable.

If the aim of reducing PAC limits is to reduce the influence of special interests, it makes no sense to have House limits twice as large as Senate limits when Senate campaign expenditures are typically six or more times a large as House campaign expenditures.

Senator PRESSLER's amendment is common sense. The substitute amendment balkanizes the House and Senate. If the PAC contributions to Senate campaigns are to be banned, then they ought to be banned from the House as well. Senator PRESSLER's amendment does precisely that.

Mr. President, as we all know so well, incumbents are PAC magnets. Challengers do not attract PAC money on a significant scale. However, political action committees are touted by their defenders as a means to allow individuals to get together and advance their collective interests in politics. Presumably, that would include supporting challengers. In 1992, in races where Members were up for reelection, incumbents received 86 percent of the PAC contributions—86 percent—$126 million for incumbents versus $21 million for challengers.

Mr. President, if PAC's are so democratic, with a small D, it is not reflected in their contribution patterns because incumbents certainly were not so overwhelmingly popular in 1992. Clearly, a democracy is skewed in the PAC process as inside-the-Beltway professional lobbyists advance their personal interests in getting face time with incumbents rather than advancing their PAC contributors' interests through PAC collections.

Clearly, putting people first has transformed into putting incumbents first in the House. Moreover, President Clinton put House Democrats first when he proposed his campaign finance plan. As the Wall Street Journal stated in an editorial entitled "Real Change" on April 28—and this is what the Wall Street Journal had to say:

> Bowing to pressure from House Democrats he—
>
> Meaning Clinton—
>
> has abandoned plans to sharply rein in PAC money, 90 percent of which flows to congressional incumbents and virtually insures their reelection. From what we've seen it is a reform that is by the incumbents, for the incumbents, and benefits only incumbents.

So I wish to commend the Senator from South Dakota for his excellent amendment, and I hope that at some point later in the day it will be adopted.

Mr. President, I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I intend to support the amendment of the Senator from South Dakota, but first I would like to offer a few comments about campaign reform itself. I maintain that every reform contains its own seeds of abuse. Every time we reform the system, within a matter of 5 or 10 or perhaps even 15 years, that system in turn will be required to be reformed either by modifying those provisions or by abolishing them altogether.

I would like to call the attention of my colleagues to the fact that the formation of political action committees came out of the Watergate scandal. At that time there was only one political action committee allowed and that was the Committee on Political Education. It happened to be a labor political action committee.

Republicans said, "How come it is OK for labor to have a political action committee but not for business? Why do we allow only one side of the equation to participate in this political process?"

So many of us felt way back in 1974, that we ought to have greater political participation. We felt we ought to encourage more contributory participation by way of money coming into the system, but also to get away from the large contributions.

There were great abuses where wealthy individuals could contribute unlimited amounts of money to political campaigns. We saw that system abused. We said let us stop this; let us clean it up; it is corrupt. And so let us invite small associations, people of like mind, who want to support a given philosophy or given candidate, to band together to contribute their resources into a fund, and let that political action committee then support the candidate of its choice. That was supported by Democrats and Republicans in the name of fairness.

We wanted a proliferation of political action committees, and we knew in the very beginning that we were going to attract more political action committees. That was our design. And so here we are now, almost 20 years later saying what a terrible system this is. Those inherently evil political action committees have destroyed or corrupted our system.

I must tell you, Mr. President, I do not find political action committees to be inherently evil. I find very little distinction between a company, for example, calling upon its executive officers to contribute to a fund that would contribute $5,000 to a campaign, and the head of the company and his wife each contributing $2,000.

I have great difficulty drawing a moral distinction between a $4,000 contribution of a husband and wife who control the company and a $5,000 contribution from the executives or employees of that company contributing to a candidate.

That is the reality of the situation. And yet somehow the PAC's are now evil, and individual contributions are quite moral.

I have difficulty drawing the distinction. I think it is metaphysical at best. But apparently there are some theologians in this body and elsewhere who believe there is such a moral distinction to be drawn.

The issue is the public has come to see political action committees as being either too powerful, too many, or simply too corrupt. And if the public perception is there, then we have an obligation to try to remove that perception because appearances, in fact, do count, and the appearance of undue influence or the appearance of possible corruption is very important and we have to remove that appearance if at all possible.

But I must say this charge to remove the PAC money and the contributions is not without political motivation. After all, since we have had this proliferation of political action committees, we have found, to our dismay, that those political action committees that we thought would be supportive of a Republican philosophy no longer have that kind of allegiance.

It becomes much more pragmatic, more pernicious as such, because those PAC's that ordinarily would support conservative or moderately conservative candidates now support incumbent Democrats of an entirely different philosophy. They do so because they are afraid of political retribution. So we now have a situation where we find conservative-oriented PAC's contributing to liberal-oriented Democrats, and Republicans are upset about that.

So for some years now, we have said: Let us do away with PAC's. They are benefiting the Democratic majority, so why should we allow a system to continue that benefits the majority party? That is really the motivation that started some time ago.

So we have been pounding away and pounding away at the Democrats for this. Republicans said: Let us just minimize the amount of contributions of PAC's. Keep them involved in the process, but just reduce the amount somewhat. That will make us less corrupt, less tainted, less influenced by PAC contributions.

Then the political reality began to grow, perhaps the Democrats really were not interested in true campaign finance reform. They were being stuck to a label that we have attached to their foreheads like the mark of Cain that they have been involved in a corrupt system.

So now they finally come forward and say: We are going to do one better than the Republicans. There are some Republicans who said let us just minimize the contributions. We are now going to finally, in a great spirit of bipartisanship, join the Republicans and offer an amendment to abolish PAC contributions. So here we are. We now have the Republican Party and the Democratic Party on track. PAC's should no longer be allowed to contribute to political campaigns.

Even though we will have a tough time drawing the distinction between heads of companies and families contributing, or calling upon all of the employees to contribute individually, perhaps there is nevertheless a clear-cut distinction.

I think the Senator from South Dakota is quite right. We cannot have one rule for the Senate and another rule for the House of Representatives. I cannot accept the argument that somehow these two institutions—which are only a few hundred feet away from each other down this corridor—are that different. I cannot accept that somehow that House is different from this House in terms of its image, and that somehow they should be treated differently because, after all, they are not as well known. Nor can I accept that they should be treated differently because they cannot go into other States to raise money and, therefore, we should allow PAC contributions to flow through their coffers.

That is an argument that cannot be sustained on any intellectual or honest basis.

So, Mr. President, if we are going to abolish PAC's, and apparently we have now the bipartisan spirit to do so, then we have to go the next step, the final step, insist that any campaign reform that passes this body that removes the taint of impropriety, must apply equally to the House of Representatives.

This is not a matter of trying to meddle in the internal workings of the House. They do have different rules of procedure. They do have different rules, perhaps, that they have to abide by internally. But what we are talking about—the connection between collecting funds and the voting—that is precisely the same for the House as it is for the Senate. And any rule that we adopt here has to be adopted by the House.

So I am going to join my colleague from South Dakota. I think it is not only an appropriate amendment; I think it is a mandatory amendment. We have to apply the same rules to both Houses because we function as the Congress of the United States, and in the eyes of the public, we are one institution. Notwithstanding our internal rules of procedure, in terms of campaign spending, campaign funding, and voting, we are one and the same.

So I am going to support my colleague from South Dakota.

I yield the floor.

Mr. BOREN. Mr. President, I thank my colleagues for their comments. Let me say this is a good example of bipartisanship. I do not think we have any disagreement about this matter at all.

As my colleagues on the other side of the aisle know, for some years, going back to the first effort that I made with Senator Goldwater, I have felt that political action committees had far too much influence in the political process of this country.

Some of the statistics that have been cited by my friend from South Dakota, my colleague from Kentucky, and my colleague from Maine, I have previously cited on the floor. When PAC's are giving at a ratio of 6 to 1 to incumbents, without regard to whether they are Democrats or Republicans, because they are incumbents, because they want access, because they occupy positions of power that might be able to affect the economic interests of those political action committees, I think we can all see how this has distorted the process.

Quite frankly, I have never felt it was a matter of which political party you belonged to, how you felt about PAC's, because it really depends upon whether you are an incumbent or not. PAC's tend to favor incumbents regardless of party. Since there are now more Democratic incumbents, there tend to be more dollars going from PAC's to Democrats. If there were more Republican incumbents, my prediction is there would be more PAC dollars going to Republicans.

It is the same argument, I say to my good friends on the other side of the aisle, about spending limits. Since incumbents can outspend challengers, it does not matter whether they are Democrats or Republicans.

There have been interesting statistics in the pages of the Washington Post the last few days. We have had studies available that in fact run down all of the Senate races and House races over the last two or three election cycles, and we find absolutely no difference. There is not one percentage point of difference between whether Democrats or Republicans can raise the most money; it is a matter of whether you are an incumbent or a challenger. That is what determines who can raise the most money.

Mr. COHEN. Mr. President, If the Senator will yield, there are some notable exceptions to that general rule. I believe I was the only Senate incumbent in 1990 who was outspent by a challenger.

Mr. BOREN. The Senator is correct, Mr. President; he is the only one. I certainly accept what he just said. But, as a general rule, it is very unusual for a challenger to be able to raise as much as incumbents. In fact, had the spending limits been in place, incumbents would have an average of $1.4 million; challengers virtually—not all—about $30,000.

Mr. COHEN. If I could clarify a bit further, so I do not mislead the Senator from Oklahoma, my challenger was a multimillionaire who funded his own campaign.

Mr. BOREN. I understand, Mr. President. That does make a difference. It was not a matter of being able to raise as much from PAC's or other individual contributors.

I appreciate my colleague from Maine, who always tells the facts as they are. I would say, from our experience of working together, that he has never mislead me on any subject. I appreciate him stating that for the record.

So let me say that I am hopeful. By the way, I say this to all of my colleagues, not just those on the other side of the aisle. I remember having some fun with Senator DOLE on this matter. At one point, I said: When did you become so opposed to PAC's?

He said: When we found out 62 percent of PAC money was going to Democrats. It did somehow affect our view.

I hope the same thing will happen on spending limits one of these days, when the Republicans again, as the morning newspaper pointed out, discover that spending limits, since they have more challengers than they have incumbents, will actually help the Republican Party probably more in the balance than it helps the Democratic Party.

This Senator hesitates to make that point, particularly at this point in time, when some of my colleagues might be suggesting I am not partisan enough on some other matters. But let me say, I do think that there is a very good point here, that we have—let me say, I do not know if my colleagues understand this, but if we will look at page 37 of the bill—I direct the attention of my colleague from South Dakota in particular to this—that under section 327 on page 37 of the leadership substitute, lines 16 and 17, we do ban political action committees from making contributions, soliciting, receiving contributions, or making expenditures for the purpose of influencing an election for Federal office.

So that means House or Senate. So the substitute that we now have before us does indeed ban PAC contributions. Or at least that is our intent, to ban PAC contributions for Members of the House of Representatives, as well as for the Senate.

I think, as to the fallback provision, that if the courts were to determine that our total ban on PAC contributions—I know the strong interest of my friend from South Dakota on the subject; it is, of course, one, as I say, on which we have had agreement—that if, indeed, that action were to be found unconstitutional, and some have argued that we could not totally ban PAC's, the Senator provides a fallback provisions, as I understand his amendment. The fallback would apply to both the House and the Senate setting limits on PAC contributions of $1,000.

This Senator has no problem with that. As I say, I do think we have already covered the House and the Senate both, in terms of the ban. I am not sure from the drafting that we include both under the fallback position. But I certainly see no problem with that.

Has the Senator from South Dakota sent the exact language of the amendment to the desk yet?

Mr. PRESSLER. Yes.

Mr. BOREN. Mr. President, I would like to have an opportunity at some point, before we go to final vote, just to look at the language to make sure that it is consistent with the bill.

Mr. PRESSLER. I am glad to hear my colleague is prepared to support the amendment.

For the purposes of the conference committee, I would like to have a rollcall vote, if possible.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOREN. Mr. President, I yield the floor so I will have a chance to read the language of the amendment to make sure, from a technical point of view, that we track correctly with the bill. As a matter of principle, I have no problems with the amendment.

Mr. MCCONNELL. Mr. President, the Pressler amendment is essential, and the reason the Pressler amendment is essential is because the fallback position in the underlying bill conspicuously omits the House of Representatives. In the fallback position in the underlying bill—when I say fallback position, that is assuming the Supreme Court determined that a PAC ban is unconstitutional. In the underlying bill, it says, "In the case of a candidate for election or a nomination for election to the office of President or Vice President or to the United States Senate, the section applies by substituting $1,000 for $5,000."

Conspicuously absent from the underlying bill is an equal PAC treatment for the House and the Senate. So what the Senator from South Dakota has done here is guarantee that, if the Court were to rule the PAC ban unconstitutional, there would be the same treatment for the House and Senate.

So the Pressler amendment is essential if we are to treat the House and the Senate the same on the question of the acceptability of PAC contributions. The Senator from Maine has thoroughly discussed the importance of having the same rules for the House and the Senate.

So I want to commend, again, the Senator from South Dakota for his very necessary amendment.

Mr. PRESSLER. Mr. President, I think that this amendment will set the tone that we shall insist that the House and Senate be treated the same. When I came to the House in 1974, John Gardiner welcomed me to Washington. At that time, there was a spirit of reform underway, and one of those was that PAC's had just been created.

I have always been interested in reform, and I am very interested in seeing that we pass a campaign reform bill. But I think it is extremely important that the House and Senate be treated the same, that we ban PAC's in the House and Senate, and, if that is unconstitutional, that there be a $1,000 limit in the House and Senate, as President Clinton has suggested, and that we not waver from that principle.

If that sort of spirit pervades the House and Senate, we will have campaign reform this year. But what I expect will happen is that each side will want a bill that fits its needs like a glove. The House of Representatives wants to keep labor union PAC's and teacher union PAC's and so forth, because that is how they raise most of their money. Also, they get a lot of corporate PAC money, too, I must say.

So I think this amendment is the first amendment that will really show a bipartisan spirit. If this is adopted in good spirit and adopted by the House, we will have a campaign reform bill this year that really amounts to something.

Mr. BOREN. Mr. President, I have had a chance to look over the actual wording of the amendment. Let me ask my colleague a question. I see in one instance that it is, I believe, weaker than the current bill, and it may be that this is an omission that is not intended. It may be something we can work out by seeing if our staffs can work together on the drafting of this.

Under our proposal, we ban political action committee contributions totally, as I quoted earlier, to Federal offices. So I do not think there is any question that the portion of the Senator's amendment that bans it for House and Senate—there is really no difference; it is the same as the current bill.

Where we have a difference is on the fallback position. What happens regarding the PAC ban—which we here apply to all Federal offices and the House and Senate—if the courts strike that down? What is the fallback position? Under the Senator's proposal, the fallback position is $1,000 per PAC for both the House and Senate. This Senator has no problem with that. But we also, in our bill, provide an additional fallback. We say that the candidate may not receive more than 20 percent in the aggregate of their contributions from political action committees.

I wonder if the Senator intended to omit that, because that is an essential part of reducing PAC influence. Otherwise, we could still be getting 50, 60, 70 percent of all of our contributions from PAC's, and you simply would be getting it $1,000 at a time instead of $1,000, $2,000, $3,000, $4,000, or $5,000 at a time. It seems to me that, if we want to reduce the influence of PAC's—and this is something Senator Goldwater and I found in the beginning of our deliberations—you must put a limit on the aggregate amount of PAC money that a person can take. Otherwise, you are simply allowing money to pop up in another form, and you would simply be encouraging PAC's to proliferate with a number of, say, five little ones giving $1,000 each instead of one big one giving $5,000. Still candidates for the House or Senate, more than half of the House and Senate Members—I am particularly sure of the House—more than half of those running for reelection last time received more than half of all of their contributions from PAC's. I do not think we would want that to happen if we had to go to a fallback position.

Mr. COHEN. Mr. President, I think the Senator makes a valid point in terms of talking about aggregates. Some of us will offer an amendment later during this rather extensive debate that would, in fact, insist that a greater percentage of funds be raised from within that candidate's own State. So we will ask for perhaps a 60-40 split; raising 60 percent of your funds from within your own State, as opposed to 40 percent out of State. It may be 70-30; we have not yet arrived at that percentage.

I assume the same philosophy will be supported by the Senator from Oklahoma when it comes time to insist on the majority of funds being raised from within the State to make sure you do not have a disproportionate percentage coming from out of State and from PAC's.

Mr. BOREN. The Senator raises a good point. We want to encourage in-State contributions from people at the grassroots. That is one of the evils of PAC's. When you have people getting their money to fund campaigns not from the people back home, but from people who have little or no contact with the State, I do not think that is a particularly wholesome thing.

What the best way to do that is, I am not sure. As the Senator knows—since he is one of those who signed the letter which was directed to me and to the majority leader and to the President and others—this is one of those items the Senator from Vermont and I have been talking about, and he relayed to me the thoughts of those Senators. We have been trying to find a way that will not have an undue partisan impact one way or another, that we can encourage in-State contributions.

So I certainly agree with the Senator as to his goal. But I wonder if he is agreeing, and I wonder if the Senator from South Dakota would consider allowing a brief period of time where our staffs could work together to see if we could draft appropriate language to make sure that we not only have a fallback as to the $1,000 maximum that PAC's could give, but that we also have an aggregate limit here on the amount candidates can receive from PAC's, so that we will not weaken the bill.

Having read the amendment, I could not accept the amendment if it does not also have an aggregate fallback provision, and I think there are one or two other items in here that are technical that are amendable as well, which had been mentioned by the Senator from South Dakota. I wonder if he would be willing to include an aggregate limit.

Mr. PRESSLER. Let me thank my friend and say that, first of all, I would have to consult with my cosponors. I have no objection, personally speaking, just as a Senator, to that limitation. It could be another amendment, or, indeed, we could have a quorum call and work together with the various Senators who have cosponsored this. Our intention was to get started to lay down the ground rules on PAC's so that it would be the same for the House and the Senate. Indeed, if it is 10, 20 or 30 percent, that could be another amendment. I would have to consult my cosponsors.

Mr. BOREN. Mr. President, I would say to my colleague that perhaps that would be the best thing, or if you wished we could take a simple amendment to add a sentence or two to the current bill, because it has aggregate limits in it as a fallback it would similarly add the House of Representatives into the $1,000 provision in the current bill. That may be the simplest way, and clean way to do it.

But I would say on the in-State out-of-State contributions this is one of those areas that I hope we might have a chance to have a little more discussion off the floor since we have been trying to reach a bipartisan consensus on that before we bring that amendment to the floor today simply, because it is a matter of one I have great sympathy.

I remember the Senator from Mississippi, the distinguished Senator, now retired, Senator Stennis, who once said that we ought to just propose that no one could make a contribution to the campaign that could not vote on the election effecting the candidate. I think in terms of support for the political parties that come in to help particular new people get started and sometimes some of the early seed contributions that might come that might be going too far.

But I certainly have very basic sympathy, we want to return the election process back to the people of grassroots. That has to be fundraising as well as voting, obviously. I hope we

have further discussion on that. That might not be one we try to go vote on soon in this process since we are discussing it. I have been going back and forth between Senator JEFFORDS and the majority leader and others to see what might be acceptable to bipartisan spirit on that.

Mr. COHEN. Mr. President, will the Senator yield?

Mr. BOREN. I yield.

Mr. COHEN. I did not intend to bring that amendment up today or tomorrow. The implications of this bill are really serious and important and deserve not 1 or 2 days but several, I would suggest, weeks of debate.

Mr. BOREN. Yes, maybe not weeks but certainly days.

Mr. COHEN. We should proceed without the notion of somehow this is filibuster on or just a ploy on the part of Republicans on the try to stall it. This is an issue that goes to the heart of the political process.

Mr. BOREN. Yes.

Mr. COHEN. There are serious substantive questions that have been addressed and we want to do so in a constructive fashion.

Frankly, when I heard some suggestion there might be a cloture motion in the next several days, I said that it would not really be appropriate in my judgment. We have a lot to discuss, and, as the Senator from Oklahoma just indicated, I have a proposal about requiring a greater proportion of campaign funds to come from in-State which is going to take a great deal of debate. I suspect this proposal will be offered along with the other four or five ingredients of reform that are important to me.

Mr. BOREN. Let me assure our colleague, and I say this to him in the utmost sincerity. What he said about this being a very serious matter, a matter of fundamental importance to function of this institution and restoration of trust in the American people in this institution is absolutely true. This Senator subscribes to that statement wholeheartedly.

Let me assure my colleague from Maine that this Senator also is not going to try to use some artificial device to push us at a speed with which we cannot thoughtfully, carefully, and hopefully in a bipartisan fashion come to conclusions about this bill.

So this Senator is not about today to drop down a cloture motion on the desk and try to shut off debate as long as we are really proceeding with sincerity.

I think my colleague from Maine and I both know it may be very hard to describe at what point debate and constructive suggestions lapse over to filibuster. But, on the other hand, I think we all know it when we see it.

What I see here is not that at all. As long as I do not see that, and I again in the spirit of honesty think my colleague from Maine and my colleague from South Dakota who at various times have expressed support for and willingness to consider spending limits and campaign finance reform, that this Senator certainly wants to have that kind of dialog and allow that kind of input. As long as that is going on, I think we can distinguish between that and what becomes really foot-dragging. At what point in time, we will sit down and have an honest talk about whether we have reached that point yet or whether there really are legitimate, constructive proposals to be offered.

I assure my colleague we are in earnest. We tried to send that signal last year, for example, when the leadership substitute was presented. It was done and I think we were on the floor within an hour. The Senator from Kentucky said to me we really did not have a chance to look at the changes made after that bill came out of the Rules Committee.

For example, this year when the President made additional suggestions, we instead of going immediately to the floor and sort of laying down the substitute on the floor, it was the feeling of all of us we were struggling to find a way to demonstrate we were serious and sincere about wanting this to be a bipartisan process, and it was worked out in the Rules Committee to have an additional hearing, and the time for that hearing was worked out with the ranking minority member and the rest, and I am certain about that.

Mr. COHEN. Would the Senator yield a moment further? By way of example, the Senator from Minnesota offered an amendment which has been temporarily set aside which I think is going to prompt considerable debate in terms of its implications and possibly its constitutionality. A number of us have to sit down this afternoon, this evening, or perhaps even tomorrow to try to work through the various hypotheticals and to decide whether or not to try to make some kind of informed judgment as to whether it is constitutional or not. And if it is constitutional, we will have to consider whether or not it is advisable or desirable.

Mr. BOREN. Yes.

Mr. COHEN. This is the kind of amendment I know is keenly felt on the part of the Senator from Minnesota, and he may have others that he has in mind to try to improve this particular bill.

That is why I suggested it is going to take longer than perhaps anyone originally anticipated, and not because this is an attempt to delay or in any way introduce an amendment that simply is there for mischievous reasons. Rather these amendments are sincerely felt and may or may not be wise or desirable or indeed constitutional.

Mr. BOREN. I say to my colleague again, I appreciate his comment. I agree with his comment. And, by the way, we do appreciate the input of the Senator from Maine and the Senator from Michigan, in particular, and Chair and ranking member of the subcommittee on the Governmental Operations Committee who really have become expert in the feel of lobby regulation and activity. We would value their input into this Wellstone amendment.

I know the Senator from Minnesota, the distinguished Presiding Officer, has also indicated that he wished us to take the time to have those who have expertise in this field and made a special role to have them to do that.

I say to my colleague, while I am expressing the hope that we will not rush with haste in a way that will not give full input and very careful consideration to this, let me also express the hope there will be no rush on the other side of the aisle for Senators to sign letters to pledge to filibuster this bill, for example, or in no ways will they vote for cloture on this bill because again I think it is a two-way street that is very important for us to establish.

I appreciated the letter as I know did the majority leader and the President from several Members from the other side of the aisle on this particular pending legislation. We take that in good faith at face value.

We look forward working through those issues. In fact, the Senator from Vermont and I have had several lengthy conversations—our staffs have—on seeing how we might work together a solution in each one of those areas.

I would just hope in turn for our not rushing that my colleague from Maine, my colleague from South Dakota, and others, would continue to keep an open mind about if we can indeed reach a fair proposal allowing it to come to a vote and as the majority Members of the Senate, all Members of the Senate, all 100 will have an opportunity to work their will and to send forward constructive legislation.

Mr. COHEN. Mr. President, will the Senator yield further?

Mr. BOREN. I am happy to yield further.

Mr. COHEN. One further comment. I cannot speak for the others. However, one reason I signed this particular letter is that I have been identified as one of those potential swing votes, or as a New York Times editorial called us, "swingers." You may draw your own conclusions from the editorial.

But nonetheless one of the reasons I signed the letter was to preempt the notion that somehow I was going to be part of an obstructionist policy to prevent legislation from going forward to the House of Representatives. I felt the principles I outlined and signed in that particular letter would put everybody, including the Senator from Oklahoma, the majority leader, the minority lead-

er, and the President on notice that these were key ingredients for me. It would also indicate that I was not going to be intimidated by any editorial writers as was attempted back in 1988. That is how far back this goes, I might remind my colleague from Oklahoma.

There was a tactic undertaken by supporters of S. 2, the Senator's bill. They issued a press release that had a headline over it and a picture of Archibald Cox, a very distinguished gentleman in our country's history, to be sure, a Harvard professor, former Special Prosecutor investigating Watergate, and former head of Common Cause.

This release had a picture of Archibald Cox and a big headline that said "Senator Cohen: Stop Supporting Corruption in Washington."

I must tell you that I took great offense at that. I spent considerable time on the floor of the Senate saying, "Wait a minute. No one group can come before this country and claim that it has a corner on morality. No one group can claim that its legislative proposal is the only one that can be offered and lay claim to moral superiority."

And I felt that the way in which that argument and debate was characterized by the supporters of the Senator's legislation was not only wrong, but offensive. I thought it did a great disservice to people who were truly interested in campaign reform.

So before the allegations started to come forward that here are five people who are interested only in delaying and obstructing and filibustering, I wanted to make it very clear that I could not, and would not, and will not support campaign reform legislation that does not contain these key ingredients.

We have made some progress on our points. One, we talked about PAC contributions. The Senator has made clear that he wants to abolish them.

Two, the House and Senate must play by the same rules. He indicated he is willing to support that, as well.

Three, disclosure of all soft money, and not just party soft money. Well, we have not reached that point yet.

Four, in-State contributions should certainly be given priority over out-of-State contributions. And we are going to work on a formula. Whether we achieve that one depends on the constitutionality.

Five, severability. Certainly we can supply no argument against that.

Six, campaign fundraising should be limited to the actual election cycle.

(Mr. WOFFORD assumed the chair.)

Mr. BOREN. We are working on that.

Mr. COHEN. Some of our colleagues start to raise funds the day after they are elected; others wait until their electoral cycles begin.

Seven, campaign committees should not pay back loan that candidates make to their own campaigns. That is the situation with millionaires who loan money to the campaigns and then, if successful, suddenly start getting paid back from the same people and PAC's that they so railed against during the course of their campaigns to show that they were more honest and honorable, perhaps, then those who were sullied by the political process.

Eight, also, avoiding taxpayer financing of campaigns.

Most of us, if not all of us, on this side feel very strongly that we ought not to be asking the public to support the financing of political campaigns.

My position—and the position in this letter goes further than that—is once again I think we want to get away from this notion of incumbent protection. If we are going to have public financing, which I do not support, but if we are to have it, it must apply to both primary and general elections, just as it does to the campaigns for the Presidency. We want it to apply to primary campaigns, as well, so we do not have a situation where the incumbents avoid all effective challenges in the primary, only to be reelected overwhelmingly in the general, and yet hold out their hands and say, "You see, we have absolutely clean hands. We favor campaign reform."

Any bill that provides incumbent protection by omitting financing for primary campaigns would not achieve the goal of placing challenges on an equal footing with incumbents.

So, Mr. President, I thank my friend from Oklahoma. I just want to point out that we suggested to the chairman and the majority leader that these are the principles that we feel very strongly about. We also felt that if we are going to have public financing, the House of Representatives has to tell us, since they are the body in which tax writing must originate, exactly how they propose to pay for it.

So with these principles, if you can indicate at some appropriate time through private negotiations whether you can support them, you will find willingness on this side to go forward. Absent that, I think you will find pretty strong resistance.

Mr. BOREN. Mr. President, I thank my colleague.

Indeed, I do remember the problems that arose from 1988 when the Senator was the subject of some advertising campaign. And I think my colleague from Maine will also recall that in that situation this Senator came to the floor and, in fact, engaged in debate about those advertisements, and to make clear this Senator's confidence in the personal integrity of the Senator from Maine and his sincerity on this issue. I know he will recall in that discussion on the floor that this Senator engaged in it.

We are making, I think, good progress on the issues that have been raised by the Senator from Maine.

As I say, I have had several discussions with the Senator from Vermont, which I assume are being passed on and shared with colleagues, and I will continue to do that.

I am a perennial optimist, I suppose, now being the 11th year of offering this legislation to try to limit runaway campaign spending. But I believe we are closer than we have ever been to be able to craft a bipartisan compromise that will meet the goals that were set forth in the letter.

In all honesty, the most difficult one is probably to come up with a series of incentives strong enough to meet the court requirement in Buckley versus Valeo that does not impose what is viewed as an undue burden on the public financing mechanism as viewed from those who signed the letter. That is difficult. I do not think that is an impossible task and I think that is one we should really strive to accomplish.

Let me say to my colleague from South Dakota, going back to the pending amendment, I am told that there are two or three other changes in addition to the aggregate amendment that would also not allow communications for get-out-the-votes between either corporations and their shareholders or unions or their members or other like organizations that apply to both business and labor groups.

We have not banned that communication and I am not at all sure we can ban that communication constitutionally.

The other thing is, I am told that the fallback position applies only to nonconnected PAC's, as opposed to all PAC's. And those of us who worked on this legislation feel that to be fair it should apply to all PAC's and not only just the nonconnected PAC's, because you start drawing distinctions then between which PAC's favor which parties.

Mr. PRESSLER. Would my friend yield?

Mr. BOREN. Yes.

Mr. PRESSLER. As far as I am concerned, we could make those changes.

Mr. BOREN. I would suggest perhaps we might want to look at it.

Mr. McCONNELL. Will the Senator yield?

Mr. BOREN. I am happy to yield.

Mr. McCONNELL. I might say to my friend, while we are looking at changes there are a couple of others that might be entertained.

No. 1, the underlying bill has no aggregated limits for the House.

Mr. BOREN. I understand.

Mr. McCONNELL. No 2, I believe I am correct, the underlying bill does not eliminate leadership PAC's.

Mr. BOREN. It is our intention to ban leadership PAC's. I thought we did ban leadership PAC's in the bill. Obviously, if we have a fallback that includes aggregates for both the House and the Senate, that would be appropriate, since we are talking about the

$1,000 fallback for both the House and Senate. I think it ought to be on all PAC's and it was our intent to ban leadership PAC's. If we do not have that, then we would be happy to look into that. I feel very certain that is in there.

Mr. PRESSLER. Let us put in the 20 percent; that is fine with me.

Mr. BOREN. I would suggest, quite frankly, on the matter of communications with the unions to members, and corporations to shareholders and employees, and that sort of thing, we have been working on ways to have disclosure of that. That is a bit of an apples and oranges issue, a separate issue here. And if we have a difference of opinion on that, I suggest we handle that on a separate amendment and vote up or down and see how we feel about it.

It is one of those items that I personally have been involved in negotiations with several other Senators on the other side of the aisle about how we could have a stronger provision on looking at this kind of expenditure by unions and corporations.

Mr. PRESSLER. I thank my colleague.

What I am trying to do is get the House and Senate on the same basis.

Mr. BOREN. I understand. I might say I am told that section 701 does ban leadership PAC's. If my colleague from Kentucky feels it is insufficient, that is certainly the goal of it. If we need to strengthen it, we would be glad to look at it.

Mr. McCONNELL. The bill may be inconsistent. On page 39, paragraph 9, the bill read:

> For the purpose of limitations provided by paragraphs (1) and (2), any political committee which is established financial or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.

It could be that the bill is inconsistent. Our view of this particular paragraph was it did not ban leadership PAC's.

Mr. BOREN. That was certainly not our intent. And I am trying to find the section on leadership PAC's.

Mr. McCONNELL. I am told by staff that elsewhere it seems to ban them.

Mr. BOREN. It could be we need to make a technical correction here, which we would be happy to do.

I am glad to see my colleague from Kentucky and I are in agreement on this point. I do not think any of us want to see leadership PAC's continued. We want to make sure that is phrased appropriately.

Mr. McCONNELL. It is also correct, I assume, the Senator from Oklahoma would want to have the aggregate limit and fallback position apply to the House as well as to the Senate?

Mr. BOREN. I am happy to do that. I might suggest perhaps we might, if my colleague is willing, either go into a quorum call at this point to work on this or it may take a little more time to draft this. If so, we could set the amendment aside.

Mr. WELLSTONE. Will the Senator yield?

Mr. BOREN. I will be happy to yield.

Mr. WELLSTONE. In the spirit of moving this forward, as on the amendment I proposed on the prohibition of lobbyist contributions which was laid aside and we went to another amendment, I have a very brief amendment which just deals how much a candidate can contribute to his or her own campaign. It is very brief. I am ready to introduce it while you are working on that.

Mr. BOREN. Will that be aggreeable to the Senator from South Dakota, that we temporarily set aside his amendment as well?

Mr. PRESSLER. Let me say I will be very happy, with the 20-percent limit, I will be happy, if necessary, to take out the communications between workers and unions and employees of the corporations—we will work with that in a separate amendment. But I do want to stick with—we will clean up the language. But I do want to work very hard getting equal time on PAC's.

Mr. BOREN. The House up to $1,000, and 20 percent.

Mr. PRESSLER. If our staffs can do that and we go forward and have a vote on it, that will be agreeable with me. I have to check with my cosponsors.

Mr. BOREN. I would be happy to do that. Let me ask if the Senator will be willing to set this aside? We have now set aside the Wellstone amendments in the first and second degree.

I think the Senator from South Dakota yielded to me for a question.

Mr. PRESSLER. Could we get a vote on this yet today? Could we get this thing taken care of today?

Mr. McCONNELL. If the Senator will yield for a question, I want to make the point the amendment of the Senator from South Dakota is the most comprehensive amendment that has been offered on this subject. It seems to ban leadership PAC's. It seeks to clearly apply the same rules to the House and Senate. Even though we may make some slight modification in discussion, I want to commend the Senator from South Dakota for his amendment which clearly comes closer to getting the job done and applying the same rules to the House and Senate than any we have seen so far.

Mr. BOREN. Mr. President, let me make a request of the Senator from South Dakota, if he will yield to me, to make this request of him. Would he, perhaps, entertain—if we can get this done in time, this Senator will be happy to. I do not think we plan to stay in session late tonight.

Mr. PRESSLER. How about voting at 6 on this? Work out the language and vote at 6 tonight?

Mr. BOREN. I will be happy to try to shoot toward that, even earlier if we can, assuming we can succeed.

I think it will be difficult to lock in a vote until we know if we can succeed on it but I will be glad to do that.

Mr. PRESSLER. I would like to get a vote on this today and get it out of the way, if we could. I think we can.

Mr. COHEN. If the Senator will yield, if we are going to vote I would like to vote either early or later. There are some of us who are going to the White House for the ceremony on the Older Americans Month.

Mr. BOREN. Mr. President, I would say also I am informed I have to attend a meeting at 5:30. It might be possible. I do not know if we can set a time. It will have to be contingent on us reaching an agreement. We can have a gentleman's agreement.

Mr. PRESSLER. Could we vote on it tomorrow morning at 10 o'clock? How would 10 o'clock tomorrow morning suit you?

Mr. BOREN. I would have to consult with the majority leader on the scheduling since I do not feel I have the flexibility as manager of the bill. But some time early in business tomorrow would be fine with me. It might work out better, in the sense it will give staffs time to work overnight if we were not quite finished. I hate to impose on my colleagues to set a vote 7 or 8 o'clock tonight if there is not another reason why we have to be here that late.

Mr. PRESSLER If we could shoot, generally speaking, at 10 o'clock tomorrow morning and maybe a half-hour debate before that for anybody who wants to speak on it, if we could have a vote about 10, if the leadership agreed.

Mr. BOREN. I will be happy to convey that to the majority leader, the sense of that, and to see if that will be agreeable to him. I am informed by the floor staff that, apparently, the two leaders have worked out 2½ hours of morning business time in the morning, equally divided between the two leaders. Apparently that is due to a number of requests on the Republican side of the aisle and the Democratic side of the aisle. So it might be difficult to set it that early because of this morning business time.

I do not know exactly what time the two leaders have decided—they have been working on this jointly—to come in in the morning.

Suffice it to say, obviously, we are all operating in good will here, and that it would be certainly fine with the managers of the bill, and certainly on this side, that we try to do it as quickly as we can tomorrow. There is absolutely no intent of not having a vote on this amendment.

Mr. PRESSLER. How about 12:30 tomorrow?

Mr. BOREN. If I could just ask my colleague to allow me to try to work

this out, just to say verbally to him that I think we are going to have to consult both Senator DOLE and Senator MITCHELL about a time, which we will be happy to do. If he will be willing for me just to give him my word, we will as soon as we can at a time that is as early as possible once we finish the drafting of the amendment and the two leaders agree upon it, we will bring it to the floor to vote. I certainly anticipate it will not go until tomorrow night, that long, by any means.

Mr. COHEN. It seems to me there is going to be virtually unanimous support for this measure, so it is only a question of trying to accommodate a schedule tomorrow, some time during the course of the day, whether it is 12 o'clock or 2 or 3 or 4, whatever time we work out. I think we are going to have pretty strong support for whatever is arrived at. I am not sure it is critical we have a specific time set.

Mr. BOREN. If my colleague from South Dakota would yield further, I will be happy also to consult with him further as to the convenience of his own schedule as to when will be the best time tomorrow for him to come and present the agreed-upon amendment.

Mr. PRESSLER. Any time will be fine.

Mr. BOREN. If he will agree to set this aside, we can then go to the Wellstone amendment. Depending on how much debate it takes, that might be the last amendment we could take up this afternoon for a vote. While we work on the other Wellstone amendment and the Pressler et al. amendment, and then be able to come back and vote on those tomorrow, as early as possible.

Certainly the Senator is right, to have a period of time for debate, and as far as this Senator is concerned, to have the yeas and nays and have a recorded vote on this matter is all very agreeable on this side of the aisle.

Mr. COHEN. Will the Senator yield for another question? When you mention the Wellstone amendment, I take it you are referring to a separate amendment that does not involve the lobbyist disclosure contribution?

Mr. BOREN. The Senator is correct. It does involve the lobbyist matter, that is the reason it has been set aside. We have not agreed when we will bring that back.

Mr. COHEN. The next amendment my colleague said we would take up this evening does not involve that Wellstone amendment?

Mr. BOREN. That is correct. I believe the next amendment has to do with how much a candidate can contribute of his own funds to a campaign.

If I can yield, I think the Senator from South Dakota still has the floor. I just urge him to make a request that his amendment be temporarily set aside without prejudice for us to work on it.

Mr. PRESSLER. Mr. President, I ask unanimous consent that my amendment be temporarily set aside.

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

AMENDMENT NO. 373

(Purpose: To reduce the amount of personal funds that an eligible Senate candidate may spend to $25,000)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 373.

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

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

The amendment is as follows:

In section 502(a)(1) of the Federal Election Campaign Act of 1971, as proposed to be enacted by section 102(a) of the amendment, strike "the lesser of" and all that follows through "$250,000" and insert $25,000".

Mr. WELLSTONE. Mr. President, this amendment is very straightforward and I am still focused on this same principle of reform which I will get back to, I think, as we go along in the next couple of weeks on the individual contributions. I will come in with some other limits.

This has to do, however, with what a candidate can contribute of his or her own money to a campaign. In the bill we have before us on the floor of the Senate, the limit is set at $250,000. I am just drawing on my own experience. There was simply no way that, even if Sheila and I had wanted to contribute our own money or take out a second mortgage or all the rest, we could have done it up to $250,000. This is within the framework, again, of agreed-upon spending limits, which is what this piece of legislation, the bill that is now on the floor of the Senate, is all about.

What I am doing is reducing the $250,000 to $25,000.

I remind my colleagues that in the original S. 3, my amendment last time around was accepted by voice vote. So the U.S. Senate, I believe, has already gone on record in support of this amendment and the principle that underlies this amendment.

One more time, what I am suggesting is that, if we want to talk about some kind of standard which means that everybody is in the loop, we want to make sure that when it comes to what an individual can contribute to his or her own campaign, we set that at a reasonable limit.

Mr. President, I think I am right about this—I have to qualify it a little bit that way—I think in the Presidential campaign, which is all 50 States, the limit on what an individual can contribute to his—or, hopefully, her sometime in the future—campaign is $50,000, and that is for the whole Nation. So it strikes me that to have a $250,000 limit applied to one State is just simply too large. I think we should cut it down to $25,000. I think that really, once again, passes the cafe test in Minnesota in terms of what an individual would have by way of his or her own resources to put into a campaign.

That is my amendment. It has been, I believe, accepted by the Senate before. I certainly would be interested in a discussion with other colleagues. I do Mr. President, ask for the yeas and nays on this, and the reason I do that is because last time we did voice vote it, and it was knocked out in the conference committee. This time I want to have a good, strong vote in support of it.

The PRESIDING OFFICER. Is there a sufficient second?

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

Mr. McCONNELL. If the Senator will withhold, I want to ask him a question about the amendment, if I could.

Mr. WELLSTONE. Certainly.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. As I understand the Senator's amendment, it lowers the threshold from $250,000 down to $25,000. If an individual chooses not to honor the $25,000 limit and opts not to accept public funding and pursues the constitutional right which that individual has under Buckley to spend everything they own on a campaign, if they want to, does it trigger public money for the opponent under the Wellstone amendment to counter that expenditure of personal wealth by that candidate on behalf of his own candidacy?

Mr. WELLSTONE. If the Senator will just for a moment give me a chance to check on that, the first part of the question, where I thought he was heading with that, was the constitutional question of whether or not if somebody said, "I don't want to abide by the limits," can that person essentially raise all the money he or she wants to raise?

Mr. McCONNELL. They can do that.

Mr. WELLSTONE. The answer is definitely "Yes."

Mr. McCONNELL. He does not have to answer it at this moment. We can put in a quorum call. I would like to get an answer to it. If that noncomplying candidate decides to shoot the works, does it trigger public subsidies for his opponent to counter that personal expenditure?

Mr. WELLSTONE. Mr. President, let me just suggest the absence of a quorum for a moment, and then I will respond to the Senator.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 373, AS MODIFIED

Mr. WELLSTONE. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senate has that right. The amendment is so modified.

The amendment, as modified, is as follows:

On page 12, beginning on line 8, strike "the lesser of" and all that follows through "$250,000" on line 12, and insert "$25,000".

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

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

The yeas and nays were ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, in response to the question from the Senator from Kentucky on the limit on what an individual can contribute to his or her own campaign—the question was if an individual wants to opt out of all of this and just simply contribute whatever of his or her own resources, would this ultimately dollar for dollar, trigger public financing for that one the individual level—the answer for that is "No."

Mr. McCONNELL. And so I would ask my friend from Minnesota, once the wealthy candidate spoke excessively, beyond the spending ceiling, then the provisions of the bill would come into effect?

Mr. WELLSTONE. That is correct. Then you have the framework of the bill itself which says that once someone exceeds the overall spending limits that are set, then you have a matching.

Mr. McCONNELL. As I understand it under the bill, there are two separate sort of slugs of public money when somebody—for an opponent, when he exceeds the limit. But if the millionaire just decides to keep on going, at some point even, using the provisions of the bill, he will not have his speech countered by tax dollars, is that correct? That is my understanding.

Mr. WELLSTONE. I am sorry; I did not hear the Senator from Kentucky.

Mr. McCONNELL. There are sort of thresholds before the spending limit. As I understand the bill, when a complying candidate hits a certain point, x number of tax dollars are triggered for his complying opponent. When he hits another threshold, x number of dollars are triggered for his complying opponent.

Mr. WELLSTONE. That is correct.

Mr. McCONNELL. If he is excessively wealthy and just wants to keep on going, at some point his speech will be able to drown out the tax-subsidized opponent. That is correct, is it not?

Mr. WELLSTONE. That is correct. If the Senator will yield, that can become—the Senator and I might put a different judgment on it as to whether that is a good or bad thing, but the Senator is correct in the analysis.

My own view is at some point in time the people in States where the races are taking place can decide whether or not they feel as if somebody has used their wealth to buy a seat or not. But what I am trying to do in this amendment—and this is an amendment that I brought to the floor of the Senate, the Senator may remember, last time—I am simply saying by this standard within the framework of the bill before us, within the standard of trying to make sure that when people run for office you do not penalize somebody who does not have a lot of wealth or income; $25,000 makes much more sense.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I would say to my friend from Minnesota, I think his amendment is a good one. We have dealt with this before. I was illustrating the point consistent with the Constitution—I do not like this personally. I would not vote for somebody who was trying to buy a race out of their own personal funds myself. But it is impossible ultimately under the Constitution to keep someone of great wealth from spending everything they have, speaking in behalf of their own campaign if they choose to do so.

I do not like that practice. I would not amend the first amendment to cure it. I doubt if my friend from Minnesota would amend the first amendment either. I was only pointing out that ultimately it is impossible to keep a person of great wealth from spending literally everything they have in behalf of their own political campaign if they choose to. Not a desirable practice, not one I support, but it is something the Constitution certainly permits.

I comment my friend from Minnesota for his amendment. In all likelihood it will pass.

Mr. WELLSTONE. I thank the Senator. I think the Senator is quite correct, that ultimately it is support of public opinion, if you will, that deals with this issue, given the Buckley versus Valeo decision. And this amendment essentially says, within the framework of the bill before us, it is what is more equitable. I appreciate the Senator's support.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. McCONNELL. Mr. President, if the Senator would withhold.

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

The PRESIDING OFFICER. Will the Senator from Minnesota withhold his suggestion?

Mr. WELLSTONE. Absolutely. I know the Senator from Nevada had been here for a while, and I know the Senator from Arizona came before, so I certainly will do that.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, this past Saturday, for the first time in some 10 years, I took the opportunity to go to the Jefferson Memorial. I drive by it every day and I remember those times that I had gone there. Of course, it was a magnificent day to see the beautiful water, but the best part of the Jefferson Memorial, of course, is to walk in that memorial and see what Jefferson wrote, a smattering of things that he wrote.

The thing, though, that caught my eye on Saturday, spread on the wall as you walk, in, is where Thomas Jefferson said:

I am not an advocate for frequent changes in laws, but laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered, and manners and opinions, change, with the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestors.

Mr. President, I mentioned it because it seems a long time ago. It was when I appeared on this Senate floor to talk about my election to the U.S. Senate in 1986. It is now 1993. In 1986, I talked about what I had gone through to be elected. I talked about complaints I filed with the Federal Election Commission that had not been resolved. All during the year of 1987 I spoke that I knew there would never be another election cycle where people would have to go through what I went through in 1986.

What did I go through? I can remember one day I got up during the campaign and saw signs of my opponent all over southern Nevada. I heard from campaign workers around the State that hundreds and hundreds of signs, large 4-by-8 signs were all over the State. I said to myself, what a waste of money; signs. He could better spend that campaign money on television, radio or newspaper, or direct mail. But little did I realize it did not matter because it was not his money. This was soft money that had come to my opponent and he had spent thousands and thousands of dollars for these signs. Soft money.

Bundling. When you file the election requirements with the Federal Election Commission, there would be page after page of relatively small contributions from people all over the United States. What I did not know—I now know—is that the Republican Senatorial Campaign Committee had sent out a mailing, and they had bundled all of this money and given it to my opponent. People all over the country had sent money, not to him, but to the campaign committee, and they had bundled it up and given it to my opponent.

Independent expenditures. I never thought, in 1986, they would still be in effect in 1992. But in my election in 1992, there were numerous independent expenditures against me. A person was made at me. I have learned since that the reason he was mad is this wealthy man had sent a request to one of my offices for a flag that had flown over the Capitol for his grandson. I did not get the request. He felt slighted because he did not get a flag for his grandson. So he spent thousands and thousands of dollars in campaign expenditures, independent expenditures, against me. His name was nowhere identified that I recall, just some committee.

Here it is 1993 and the law has not changed. We are still spending huge amounts of money. Campaigns go on forever. I think it is time that we change that. That, Mr. President, is what the bill that is before us is all about, to make elections shorter, to speed up the election process, and to take away the tremendous demand for money in campaigns.

As to bundling, that is handled in this proposed law. Bundling refers to the collection of independent checks for a specific candidate by an intermediary such as an individual or political committee. Under existing law such contributions can be made without counting against the contribution limits of the intermediary. The leadership substitute prohibits bundling except by a representative of a campaign committee, professional fundraiser, or individual hosting a house party. In short, this is a great advance to eliminate bundling.

Independent expenditures, Mr. President, are moneys spent on direct communications with voters to express advocacy of a Federal candidate when there is no participation or cooperation of the candidate, supposedly. Under current law, independent expenditures have been narrowly defined to permit an unacceptable degree of consultation but would leave candidates and groups, in effect, unfettered. This law that is now being debated in the Senate would put a stop to most campaign expenditures. At least you would know where they came from and how much they paid for them.

The same applies to soft money. There would be significant restrictions—some feel not enough—but significant restrictions placed on soft money. Also, this bill takes a great bound forward to give the Federal Election Commission some strength. When the Federal Election Commission was formed, there were many who felt it was formed to be a toothless tiger. Basically, that is what it has been, not because of the Commissioners themselves—I think both the Democratic and Republican Commissioners want to do a good job—but it has been set up so that it is a partisan body. Most important things are deadlocked on a 3-to-3 basis.

This bill now before this body would stop that. The Federal Election Commission would be given teeth. I think that is important.

In 1986, I filed a number of complaints with the Federal Election Commission. I reported here on a yearly basis about nothing having happened on my complaints. One year, 2 years, 3 years, 4 years, 5 years, 6 years—nothing happened on my complaints. On the seventh year, finally one of them was resolved and my complaint was found to be meritorious and I, in effect, won that.

There are a number of complaints still pending before the Federal Election Commission. You would think that 7 years would be enough time to arrive at a result on the complaints filed. But in fact, the Federal Election Commission is so understaffed, and the procedures are such that it is very difficult for them to do anything of a positive nature, that nothing has happened on those complaints I filed.

Under this law now before this body, that will change in the future. A candidate will not have to wait 7, 8, or 9 years for there to be some activity on a complaint filed.

If, as Cicero wrote, money forms the sinews of war, it also, Mr. President, pulses through the muscle of political campaigns. Money is too important in political campaigns. We have to lessen the importance of a dollar in a political campaign.

In the 1992 campaign for President, for example, the Republicans and Democrats each spent about $100 million. This does not count some of the soft money. One independent candidate spent $61 million of his own money.

In our bill, that situation is not addressed. In the House bill, it is addressed; that is, when people spend these huge amounts of money, there will be some way to make them more accountable. I think that is right. I am sorry that it is not in our bill.

Hopefully, if we get something out of the House and the Senate, the conference will address this.

The average amount spent by a winning House candidate in 1992 was about $500,000. Having served in the House myself, when I came to the House in 1982, that amount was significantly less than the average of $500,000. It has gone up—not down, but up—because the dollar has become more important, both in the House and in the Senate.

(Ms. MIKULSKI assumed the chair.)

Mr. REID. The average amount spent by a winning Senate candidate, $3.6 million. In a relatively sparsely populated State like the State of Nevada, I spent, in 1986, $2 million. In 1992, I spent $3 million. It keeps going up. I read in the Washington Post today that the amount of money spent by various candidates per vote was significant. I think I ranked sixth or seventh on the list. Too much money is spent in political campaigns. We have to lessen the importance of the dollar.

I have talked about the average. The Senator who is presiding over the Senate comes from a very heavily populated State. The amount of money spent there was far more than $3.6 million. In the State of California, with 30 million people, huge amounts of money are spent there. But it comes out to an average of $3.6 million.

Something must be done to stop this outrageous amount of spending to achieve public office. People ask, who are watching these proceedings in the offices or on C-SPAN: Well, why do you spend it?

Madam President, to be competitive, you have to spend it. If you want to be a Member of the House or of the Senate, then to be competitive you have to play by the rules and spend those moneys. I think it would be better, as this legislation indicates, if there were ceilings on how much you could spend.

The Supreme Court has made our job very difficult. The Supreme Court, in my opinion, unwisely has ruled that we cannot place mandatory limits on the amount a candidate can spend for public office. The Supreme Court has said such limits would infringe upon the candidate's right of free speech.

As I have heard Senator HOLLINGS, the junior Senator from South Carolina, say on a number of occasions, what the Supreme Court said is that, "Everyone has free speech, but those that have more money have more speech."

That is why I support the constitutional amendment of the Senator from South Carolina to allow us to set limits on how much can be spent.

At the same time, though, the High Court has upheld limits on campaign contributions. To me, this seems a contradiction in terms. The Supreme Court evidently believes that a wealthy man should be able to spend all of the money he or she wants to, in effect, buy public office; but the person without resources, without money, who wants to contribute to a campaign and have his voice heard, is limited. And so, if a person wants to run for office who does not have these vast resources, he will be denied access to the airwaves because he does not possess enough money of his own.

The Supreme Court's decision in Buckley versus Valeo amounts to an elitist proclamation to the American people that if you are rich, you can say anything you want; you can distort facts and create hateful contempt for this body and the House of Representatives; you can lie outright. But if you are poor or middle class, basically you are told to go home and be quiet.

The wealthy candidate can buy half-hour TV spots, or minute spots, or whatever the money will buy, to get that message out—as distorted as the message might be. I had an example in

this last election that proved, without question, that bad TV is better than no television. A person can literally own the airwaves. At the same time, a person with little resources has to be out scrambling for money to buy even a 10-second spot.

Pope Leo XIII wrote:

It is one thing to have a right to the possession of money, but another to have the right to use money as one pleases.

If the Supreme Court is telling us it is OK for a person to use his money to buy a seat in the Senate or the House, or to buy the Presidency, then I think we have to do something to change that. So I think one thing we need to do, as this legislation does, is to set spending limits that are attractive to all candidates—voluntary spending limits. That is what this bill does. It sets up a procedure by which individuals can agree to voluntary limits. If somebody does not adhere to the voluntary limits, then there would be procedures in the law to allow that person who did not have unlimited wealth to obtain moneys to match that which the wealthy person is spending.

We have talked in this body since I have been here—which is going on 7 years, plus the 4 years I was in the House—about campaign reform. We have enacted some reforms, but very, very few. We need to do more.

Madam President, we need to make campaigns shorter if we can. We need to make campaigns so that we do not spend unnecessary amounts of money. The American public is asking for this, and rightfully so.

I am not blaming the Federal Election Commission for the problems I had in 1986 or 1992. As I have indicated, they have been set up to be a toothless tiger. And we have to pass this legislation to make the Federal Election Commission an agency that everyone can be proud of, an agency that, if you file a complaint, they have the resources and the power to do something about it.

It is time for us to make the system fair, to make sure candidates are accountable to their constituents, and to make sure that those people that have access to money, or have money, do not control the political process.

It is important to note, as we are talking about this legislation, that most other democracies in the world have many more restrictions than we do. Britain and Canada, two great democracies, both limit campaign expenditures. In other areas of the world, the length of campaigns, where we have democracies, are restricted. France limits its campaigns to 3 weeks prior to the first round. Great Britain limits its campaigns to 17 working days. Canada's campaigns are limited to 8 weeks. Germany's are limited to 6 weeks.

In addition, all other democracies, except the United States, Mexico, and Taiwan, provide free broadcast time to candidates. If you consider that Mexico and Taiwan are not, at this stage of their development, really multiparty democracies, that leaves the United States as the only country that does not provide free broadcast time.

The United States is looked upon in the world as a leader when we talk about ethical standards. Of course, we have had lapses. But the reason that we are the great democracy that we are is that these lapses of morality have been made public, and we have been able to discuss and debate what has been done wrong. We should not, therefore, be the last great democracy to make our political system fair.

We need to pass S. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1993. The major provision of the bill is voluntary, flexible spending limits. We need to have this as part of our law.

A ban on PAC contributions, limits on lobbyists, the end of money and bundling, and encouragement of cleaner campaigns are some of the other major provisions of the Congressional Campaign Spending Limit and Election Reform Act. We must not delay this any more. I hope that in the next round of elections, this body and the other body will have some guidance to make sure that elections are shorter and the money spent is not unlimited.

Delays have dangerous ends, we are told. I recently read a diary of President James Garfield when he served in the House of Representatives. He made the following insertion in his diary:

There is something peculiar in the temper of the House of Representatives.

And he could have added there, of course, "and the Senate."

A clear, strong statement of a case, if made too soon or too late, fails. If well made at the right time, it is effective.

President Garfield went on to say:

It is a nice point to study the right time.

Madam President, this is the right time. This is the right time for campaign reform. It is not too early. It is not too late. This is the time for campaign reform. We must rally around the authors of Senate bill 3.

I am proud to be a cosponsor of that legislation. I commend and applaud Senator BOREN for his efforts in behalf of this entire body and the country is moving forward with this legislation.

I look back on the years we have worked on this legislation. I will never forget Senator BYRD when he was majority leader how he kept calling for cloture. Seven times, as I recall, we tried to enact cloture to effect a cloture motion. We were unable to do that.

But Senator BYRD and others have been in the forefront of trying to change elections so that they are quicker and less expensive. This is the right time for campaign finance reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If the Senator will withhold, there is a pending first-degree amendment. Is this amendment to the amendment pending before the Senate?

Mr. MCCAIN. Madam President, I ask unanimous consent that the pending amendment be set aside for the purposes of offering an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator may now offer his amendment.

AMENDMENT NO. 375

(Purpose: To restrict the use of campaign funds for inherently personal purposes)

Mr. MCCAIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 375.

The PRESIDING OFFICER. The clerk will report.

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

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

The amendment is as follows:

On page 17, line 3, change (f) to (g) and insert the following:

"(f)(1) RESTRICTIONS ON USE OF CAMPAIGN FUNDS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end of the following new section:

"SEC. 324. (a) An individual who receives contributions as a candidate for Federal office—

"(1) may use such contributions only for legitimate and verifiable campaign expenses; and

"(2) may not use such contributions for any inherently personal purpose.

"(b) As used in this subsection—

"(1) the term 'campaign expenses' means expenses attributable solely to bona fide campaign purposes; and

"(2) the term 'inherently personal purpose' means a purpose that, by its nature, confers a personal benefit, and such term includes, but is not limited to, a home mortgage payment, clothing purchase, noncampaign automobile expense, country club membership, vacations or trips of a non-campaign nature, and any other inherently personal living expense as determined under the regulations mandated by paragraph (f)(2) of this subsection.".

(2) REGULATIONS.—For the purposes of subsection (f)(1), the Federal Election Commission shall, not later than 90 days after the date of enactment of subsection (f)(1), prescribe regulations to implement the subsection. Such regulations shall apply to all contributions possessed by an individual at the time of implementation of this section."

Mr. MCCAIN. Madam President, the amendment before the Senate is a very

simple one. It restricts the use of campaign funds for inherently personal purposes. The amendment would restrict individuals from using campaign funds for such things as home mortgage payments, clothing purchases, noncampaign automobile expenses, country club memberships, and vacations or other trips that are noncampaign in nature.

Madam President, I want to emphasize I will be citing some examples of how campaign funds have been used which are extremely egregious, but I want to point out they are not illegal, and the purpose of this amendment is to restrict the use of those campaign funds because, if we are truly going to have campaign finance reform, I do not believe that campaign funds should be used for such things as country club dues, tuxedos, vacations, and other purposes for which they are now almost routinely used by certain Members of both bodies.

I point out that Senators and Members of Congress currently earn $139,000 a year, which means that Members of Congress are in the top 1 percent of wage earners in the country. So let there be no mistake, Members of Congress do earn a good wage, a wage that does not leave them poor.

I think it is worth contrasting a Member's salary and perks with that of a typical American family. According to the U.S. census, in 1990 the median family income in America was $30,056. With that $30,056, the average American family was expected to put a roof over their head, feed their children, and send them to school. It seems to me that we should be able to survive as well at a salary level of $139,000 per year.

The use of campaign funds for items which most Americans would consider to be strictly personal reasons, in my view, erodes public confidence and erodes it significantly.

Sara Fritz, a reporter for the Los Angeles Times, in her book "Handbook of Campaign Spending" calls campaign funds that are used for personal reasons nothing more than a slush fund.

She writes:

> In the spring of 1990 [a Member of Congress] and his wife enjoyed a leisurely, eight day stay at South Seas Plantation in Captiva, Florida. Their accommodations during the first three days of the visit were courtesy of the Electronics Industry Association; the next five days were paid for by [the Member's] campaign.

Under House and Senate ethics rules, Members of Congress must use campaign funds for political—not personal—purposes. Yet the commonly accepted definition of a political expenditure has grown so broad and enforcement of the rules has been so lax that congressional campaigns now routinely make purchases that on their face appear to be personal, such as resort vacations, luxury automobiles, expensive meals, apartments, country club memberships, tuxedos, home improvements, baby sitting, and car phones.

I want to point out again, Madam President, that the examples I am going to cite are legal and they will seem egregious, but the fact is, in my view, they should be severely restricted.

Further, Ms. Fritz later concisely points out:

> In many cases, in fact, [the use of campaign funds for personal purposes] has transformed middle-class politicians into members of the country club set, isolating them from their constituency.

One major reason the public does not approve of Congress is that they believe we are isolated and nonresponsive, and we, of course, do not want to maintain a policy that encourages the Congress to be even more separated and disconnected from the people.

If we in Congress learned one thing from President Clinton's $200 haircut last week, it should be that the public does not approve of its elected officials being treated as royalty. We should be no different.

The solution to this problem is simple; restrict the use of campaign funds solely to campaign purposes.

Madam President, my amendment outlines certain types of spending of campaign funds that would be forbidden. It also mandates that the Federal Election Commission, the experts on this subject, look into the matter and issue regulations if needed.

Further, in light of the bill before the Senate, should this amendment not be adopted, taxpayer money could be used directly by Members of Congress to support lifestyles of luxury.

According to Ms. Fritz, campaign funds have been used to buy items such as globes and trips to exotic locales such as Thailand, Taiwan, and Italy, tuxedos and an unexplainable $299 for bow ties.

I cannot imagine being able to justify to the public what will soon be the use of tax dollars in this fashion.

According to Ms. Fritz, as I mentioned, these expenditures are very unusual. One time last year a Member of Congress used campaign funds for trips to South Africa and New York, dinner at a swank Washington restaurant, $5,000 in donations to his daughter's school board campaign. Another paid out more than $10,000 for a telephone car phone and automobile expenses. Another contributed $35,000 to a national political effort aimed at helping his party prevail in recent reapportionment battles.

The list goes on and on.

Madam President, I am not attempting to embarrass anyone and I emphasize for the third time that these expenditures have been ruled legal by the Federal Election Commission. But I point out these abuses, in my view what are abuses, because they are certainly not what the average contributor intends for their funds to go to.

Now, if we are going to have taxpayers' funds being used for these elections, clearly they should not be used in this fashion.

Madam President, I hope that this amendment will be accepted by both sides. If not, I would be more than glad to call for a rollcall vote on the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, I thank the Chair. I thank my colleague from Arizona for offering this proposal. As always, his proposals are thoughtful and they are constructive. I certainly agree with the comments that he just made in terms of trying to prevent what is really purely personal use of campaign funds.

The Senator from Arizona has been a valuable supporter of campaign finance reform and reform of the political process in general. We have had an opportunity to work together on many of these issues, including an issue still pending in the Government Operations Committee, which I hope we will soon be able to bring to the floor together, and that is to stop the practice of people going in and out of the revolving door, out of public offices and into the private sector, to serve special interests and especially to serve foreign interests and those which are not necessarily at all in keeping with the best interests of the American people. He has been a great source of support and a great leader in these causes for reform in the governmental process.

I am certainly in basic sympathy with this amendment and hope it will be possible for us to accept it.

There are just one or two questions I would like to ask. I think there is no doubt that the kinds of things that the Senator has listed—which are not meant to be an exclusive list but be an illustrative list like home mortgage payments, floating purchases, noncampaign automobile expenses, country club expenses, vacations, and those sorts of things—are certainly the kinds of things that I would strongly agree with the Senator from Arizona should not be covered.

There are—and I know this from having now worked for so long on this legislation and having heard from many of our colleagues—there are a number of our colleagues, particularly from the Western part of the United States, and especially in those areas where they are farther from Washington—many who do not have financial means to be able to afford to take their spouses with them when they return to their home States—who often use campaign funds, excess campaign funds, to have their spouses go with them to public events.

I know that when I go back and forth to my home State, I go back and forth—if I charge it to the Govern-

ment, for example, or if I take my spouse with me and have it paid for out of campaign funds—it is not for the purpose of just going home for a vacation but for the purpose of going home to attend some public event.

When one serves in the Senate, you are expected to go, whether it is to commencement exercises at an educational institution or whether it is to go to an annual Chamber of Commerce banquet or testimonial dinner of whatever it happens to be for some public function. And I think very often that it is expected that the spouse of the Member accompany them and be there.

I think also we do want to encourage families to be together as much as possible, even while conducting official duties.

Some of these events are not necessarily in the campaign cycle. They would not be going to the State Democratic or Republican convention, for example, but on the other hand, would be going to some public event like, let us say, some event in an educational institution or something like that.

Would the Senator's term "campaign expense" be broad enough, especially as counterposed in his mind against the term "inherently personal purpose," to encompass or allow the use of excess campaign funds to allow a spouse to accompany a Member of the Senate, let us say, to some public and official event where he or she is going as a Senator and as I suppose a potential candidate for reelection, although it might not be in the 2-year election cycle?

Mr. McCAIN. I would like to respond to my friend from Oklahoma. And I thank him for his kind remarks. I very much appreciated the opportunity of working with him on this issue and several other issues.

I think, clearly, the use of campaign funds for the spouse would be, in my view—and I would certainly bow to the views of my colleagues in the Senate and the FEC—but is clearly appropriate. There are some of us who feel that we might not be here if it were not for the presence of our spouses, and I happen to be one of those.

So I believe that, when people do elect a Member of this body or the Congress, they many times view them as a team. Many times they do not, but many times they do.

I happen to know, for example, that the spouse of the Senator from Oklahoma is very active in every aspect of his public and private life. I know that is the case of my friend from Kentucky, as well.

So I would certainly view traveling back and forth to serve one's constituencies to events such as the Senator from Oklahoma described would be a legitimate expense.

Mr. BOREN. I thank my colleague.

Let me ask one additional question. Again it is illustrative and I think it would be important for us to have it on the record.

I think the other, perhaps, most frequent, in addition to paying for accompanying spouses to these kinds of public events, the other, perhaps, purpose for which excess funds are most frequently used is probably to pay for either receptions or lunches—sometimes in places like the Senate dining room—for a group of visiting constituents.

Let us say you have a large school group come in and you want to give them donuts and juice in the morning, or you have several families come in from your home State, or representatives of some group that have come to meet with you about the problems back in the home State, and want to conduct that conversation over lunch in the Senate dining room or something like that. I suppose that is one example.

The other example often for which funds are sometimes used are condolences to people in the hospital, where flowers are sent, or condolence flowers are sent to funerals of outstanding citizens.

How would the Senator feel that those sorts of things would be described in terms of the line that he is attempting to draw here between what is legitimately a public purpose and what is an illegitimate, purely, personal purpose?

Mr. McCAIN. I say to my friend from Oklahoma, I believe both examples that he cited are legitimate expenses. I believe that our constituents, when they come to visit our Nation's Capital, many times to visit their own money, that we should be able to provide them at least some form of refreshment. And, of course, in the case of flowers, I think that that is very appropriate.

I would remind my friend from Oklahoma that he and I would probably not be having to have this discussion—because there are certain gray areas that are clearly open for interpretation—if it were not for the egregious examples that are so often used—such as a paid vacation to a resort, such as the purchase of certain items, clearly for personal purposes; renting of an apartment, et cetera—that have made this issue very visible in the media and, therefore, an item of concern with the American people

The examples that my friend from Oklahoma states I think are clearly legitimate, at least in my view, and are not intended to be covered by this amendment.

I would like to see just the most egregious examples addressed and then allow the FEC to issue regulations on those that might be questionable.

I also think that once this amendment and campaign finance reform is passed, our Ethics Committee staff could probably ascertain where the law lies, under the outstanding stewardship of our ranking minority member, Senator MCCONNELL, and that way we could resolve some of these very gray areas.

But I really believe that we need to, for the sake of regaining confidence of the American people and our contributors, pass this amendment.

Mr. BOREN. Madam President, let me ask my colleague if he would yield for just one final question. I do not want to prolong our discussion.

I am told that the Ethics Committee interpretive rule 442 permits Members to use excess campaign funds for expenses in connection with official duties. I wondered if these activities might not be inherently campaign activities, but yet they would not be personal activities.

How does the Senator feel about that? Or would the Senator feel that that should also be included either inherently campaign or in connection with official activities.

Mr. McCAIN. I say to my friend from Oklahoma, it happens to be my view that we do have generous office expenses and we do have generous mailing expenses and others. I would like to see the definition to some degree as to exactly what are official duties, because you know that can entail a wide variety of activities. But at the same time I believe most legitimate official duties that we have to carry out, if there is a need for it, the campaign funds could be used.

Mr. BOREN. For example, under the rule we operate under, if you are answering a letter—often handwritten letters that I answer will be in response to some official position, somebody might be writing me about the farm bill. But if I know that person well and my spouse knows their spouse, I often add "My wife sends her best wishes," or something like that.

Under our rules, we have to put personal postage on that, and that can run into many letters in a day in which I do that. And we very often use, again, excess campaign funds to pay for postage stamps to make sure we abide by that rule.

But I gather my colleague would not be trying to cover that sort of thing, either?

Mr. McCAIN. I would not.

Mr. BOREN. Let me say, Madam President, it may be necessary—and I would be happy to accept the amendment for this side of the aisle—it may be necessary, as we go further with the legislation as it leaves the Senate to the House and hopefully ultimately in conference, we might want to sit down—I do not have the technical expertise to engage in a redrafting at this point at all—with the Senator from Arizona. It may be none is necessary.

But I would like, at least, to have leave and say in good faith to my colleague from Arizona if, indeed, we are successful in passing this bill with this

amendment in it, that is we get to the final stage of the conference committee, we may want to at least sit down with the legal staff of the Ethics Committee and the FEC to make sure that from a technical point of view the language is exactly right.

But certainly, because I agree very thoroughly with the thrust of what the Senator from Arizona is trying to do, and I commend him for this proposal, I would be happy to accept the amendment at this point in time with the understanding that later, as the measure hopefully nears the President's desk, we might want to take one last look together, and with the lawyers from the Ethics Committee and others, and make sure we have it exactly as it should be. That would give them the flexibility to write rules along the lines the Senator from Arizona has just described.

Otherwise, having said that, I would be happy to accept the amendment for this side. I do not know if the Senator wants a rollcall vote on it if we are willing to accept it, but I would be happy to accept it.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I just want to commend the Senator from Arizona for his amendment. I think it is right on the mark. As I understand it, having listened to the debate, the Senator from Arizona is clearly trying to differentiate those items that anybody having a committee qualified by the FEC might purchase for their own enrichment, if you will—presents for themselves, trips for themselves that are unrelated to going home, items that clearly could, it could be argued, sort of enhance the salary that we are paid here.

I think the Senator from Arizona has raised a very important issue and I think the colloquy between the Senator from Arizona and the Senator from Oklahoma does lay out certain areas of expense that I think all of us would agree are legitimate and should continue to be allowed in the post-McCain amendment environment. But I want to commend the Senator. I think this is a much-needed amendment and a very useful part of this debate.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank my friend from Kentucky and I thank my friend from Oklahoma.

Let me repeat, very briefly, I think the Senator from Oklahoma raises some very legitimate questions and ones we would have to work out, and the Ethics Committee would have to work out. But I want to emphasize again, when we are talking about campaign money to commission an artist to paint a $3,000 portrait of his father, tuxedos, bow-ties, country club memberships, expensive new cars—the list goes on and on—vacations, one spent $7,000 on image consultation and a new wardrobe, $25 at Thai Gyms, in Bangkok—there are many of these—$327 at a restaurant in Paris. I just want to emphasize there are many examples which are not at all in any gray area, as far as I am concerned.

I do understand the questions that the Senator from Oklahoma raised and I think those questions have to be asked because there are certain areas where there could be legitimate, not only disagreement, but areas that might be included in an all-encompassing kind of amendment without intending to do so.

I thank my friend from Kentucky. I thank my friend from Oklahoma.

If they both agree to accept the amendment, I urge the adoption of the amendment, Madam President.

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

The amendment (No. 375) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. McCAIN. Madam President, I am very pleased that the Senate is once again considering the issue of campaign finance reform. The public's faith and trust in the Congress continues to languish at lows usually reserved for ambulance chasing lawyers and used car salesmen. There are a multitude of reasons why this is true, but chief among them is that the Federal campaign finance system is badly in need of reform. The American people believe, quite correctly, that the current system protect incumbents and makes them more beholden to special interests than the public interest.

I strongly agree with the American people that we must pass meaningful campaign finance reform. Since coming to the Senate, I have been working to improve the public's perception of this institution. From advocating the end to the Congress' ignominious reputation as the last plantation—passing laws that we do not apply to ourselves—to fighting against midnight pay raises from Members of Congress, I have and will continue to fight to clean up the Congress.

However, as important as these institutional changes are, the reform which would send the strongest signal to the American people that the government is working for them is campaign finance and election reform. Moreover, we have an obligation to pass substantial legislation that will actually bring about genuine change. We can ill afford to fuel the people's cynicism by passing transparent legislation that does not bring about meaningful reform. Unfortunately, when the Senate has considered this issue in the past, we were more concerned with window dressing—passing something so we could show it to the public—than passing legislation that would substantially change the status quo.

Because of my strong belief in election reform, in the past I have voted in the Senate for campaign finance measures. None of the measures I have supported fully addressed this subject to my satisfaction. When many of my concerns were raised, they were either ignored or overlooked. Unfortunately, some who serve in the majority orchestrated passage of campaign finance that did not offer significant reform. It was also public knowledge, or perhaps just conventional wisdom, that these bills were destined to be vetoed. That is very unfortunate and the public has paid the price for our inaction.

Part of the price the public has paid is the continued influence of big money lobbyists and the ever-growing money chase. Campaign finance authority Herbert Alexander estimated that $540 million was spent on all elections in the United States in 1976. For 1992, he estimated that those seeking office would spend $3 billion. In congressional races, aggregate costs of House and Senate campaign have nearly sextupled since 1976, from $115.5 million to $678 million in 1992, while at the same time, the cost of living doubled.

Due to this overwhelming need to raise money, candidates are sometimes perceived by the public as nothing more than fundraising machines—putting the needs of the people secondary to the need to raise money. We need to work to change this image.

Mr. President, how did we arrive at this state?

The current system evolved out of a series of legislative actions in the early 1970's and from one paramount Supreme Court Case, Buckley versus Valeo.

In 1971, the Congress passed legislation which mandated uniform disclosure of campaign receipts and expenditures, limitations on contributions, and imposed certain spending limits on candidates. In the subsequent Buckley ruling, the Supreme Court decided that limitations on contributions were appropriate legislative weapons to ensure against the appearance of improper influence, however, the Court stated that no limitations could be placed on independent expenditures, candidate expenditures from personal funds, and on overall campaign expenditures. The end result is a campaign financing system that has fostered what is now known as the money chase.

It is this money chase that the public—rightly I believe—wants to see ended. At the same time, as we address this issue, we must be cognizant of the Buckley decision and seek to balance it with the desire of the public to see money chase ended.

Further, any reform measure passed by the Congress must create a level

playing field for challengers to run against incumbents. Incumbents, by the very nature of being in public office, have many advantages over those who seek to unseat them. The use of the frank and official mails, the ability to raise money, and the natural media attention paid to incumbents give them a distinct advantage over challengers.

Reelection rates—especially those in the House of Representatives—show that incumbents have a huge advantage over challengers. Reelection rates for House Members continue to hover near or above 90 percent. This stands as proof alone that no level playing field in elections exists.

Although no legislation can truly address all of these advantages, any reform that truly levels the playing field for challengers and incumbents must contain certain essential principles.

These principles are: First, the influence of political action committees must be lessened; second, the same rules must apply to both the House and the Senate; third, all soft money must be disclosed; fourth, in-State contributions should be favored over out-of-State contributions; Fifth, the bill should contain a severability clause; sixth, campaign fundraising should be limited to the actual election cycle; seventh, campaign committees should not pay back loans in excess of $50,000 that candidates make to their own campaigns; eighth, taxpayer financing of campaigns should be avoided; ninth, if any legislation contains a financing formula for campaigns, it must be spelled out in detail; and tenth, incumbents should not be able to roll over large war chests from one campaign to the next.

As I examine legislation on this subject, the core concepts I just noted will guide my decisions. The current bill before the Congress is a good step in the right direction. Unfortunately, it does not go far enough in addressing the principles I mentioned.

Further, this bill contains many loopholes. Among those are the bill does not apply to races until 1995, and, according to many constitutional experts, the current bill would be found unconstitutional by the courts. Thus, I believe that if the current bill is signed into law without changes that address the core principles I have outlined, meaningful reform will not have been enacted.

Madam President, some critics and columnists have stated that we should just pass the bill before us, accepting its many flaws—some being substantial—merely because the bill would alter the status quo. We can ill afford to pass legislation that merely masks, but does not solve the many problems of the current campaign finance system.

I was not sent to Washington, DC, by the people of Arizona to rubber stamp legislation. It would be wrong for me to be content with this legislation soley because it mandated change. Change for change's sake alone is not necessarily beneficial. On the other hand, change that results in meaningful reform, such as if the principles I have outlined are adopted, is good.

I will accept nothing less than substantive reform. The public is justifiably upset with smoke and mirrors or being told it must accept a job half done.

I have an obligation to Arizona to do what is best. I will fight for exactly that.

We now have the opportunity to pass meaningful reform. I urge my colleagues to not allow this opportunity to pass.

Madam President, first, I believe that we must do all we can to eliminate the so-called money chase by eliminating PAC's. If a complete PAC ban does not survive a constitutional challenge, then we should have a backup provision which would severely limit the amount of money they are able to give to candidates for office.

One solution is to eliminate, or extremely curtail, the ability of political action committees [PAC's] to give money to candidates. In the 1992 elections, approximately 32 percent of all funds raised for House and Senate races came from PAC's.

Statistics reveal the growing power of PAC's. The number of federally registered PAC's has grown from 608 in 1974 to 4,195 in 1992. During that same period, the amount of money contributed to Federal candidates grew from $12.5 million to a staggering $180.1 million—a more than 400 percent increase.

In conjunction with the elimination of PAC's, we must ensure activities such as bundling are not allowed. Bundling, where one organization groups together many small donations to be given to a candidate, has proven to be just as onerous as PAC giving. Further, bundling should not be allowed even if it is done by a nonpartisan group or an organization that does not lobby.

Second, the rules that govern elections for Federal office must be substantially the same for the House and Senate. Specifically, rules regarding contribution limits to candidates for Federal office must be exactly the same. As the distinguished majority leader has stated there is no logical reason for difference between the House and Senate to exist in this bill.

If political action committees are bad, then they are bad for both sides of the Hill. If $5,000 contributions are excessive, then they are excessive for both the House and the Senate. If soft or sewer money needs to be regulated and disclosed, then this must be done equally for House and Senate races.

Madam President, although the rules of operation of the House and Senate differ widely, there is no rationale for differing election rules. Clearly, any election reform measure must take into account the differences constitutionally mandated between the House and Senate. This does not, however, mandate or give credence to the argument for different rules regarding PAC contributions or soft money influence.

Third, any campaign reform bill must mandate as much disclosure as possible of money used in the campaign. All soft money used in elections must be disclosed to the public. Disclosure is one of the best, if not the best, method to clean up any real or perceived corruption and install faith in the electoral system.

Disclosure must include political party activities, but it must not be limited solely to party money. Get-out-the-vote drives and labor union political activities must also be fully disclosed. The activities of labor unions and other such organizations in the political arena can be just as damaging or helpful to the political system as is party involvement. There is no reason to exclude their activities from disclosure and public view.

Fourth, contributions from constituents should be given priority over out-of-State contributions. The people within each State or district should be able, should they choose, to donate more than out-of-State individuals. Far too many officeholders receive large sums to their campaign coffers from out of State, and thus, I believe, sometimes become disconnected from those who elected them.

Again and again we see Members of Congress who literally move their homes to Washington, DC. They become foot soldiers to the wants and wishes of lobbyists who control the Washington, DC, money pool. How can Members of Congress truly represent a district or State when the funding for their election comes from Washington, DC and not from their home State?

I will emphatically state—and I do not mean anything negative by this—the people of Arizona have different values and principles than those who live inside the Beltway. I am proud for my family and me to call Arizona, not Washington, DC, our home. I believe that others would call the State that elected them their home and not Washington, DC, if they were encouraged to spend time with their constituents.

Further, if any individual who is seeking public office does not receive contributions from inside his or her home State, then I believe that says a considerable amount about the people's opinion about that individual. Thus, in-State contributions should be given priority over out-of-State contributions.

Fifth, severability should be part of this bill. If one part of the bill is struck down as being unconstitutional, such as a complete ban on PAC's, the remainder of the bill should stand. There

is no reason to jeopardize the entire bill over any one part of it which may be found to be unconstitutional.

Sixth, campaign fundraising should be limited to the actual election cycle. The public has the perception, especially in the Senate, that Senators spend 6 years doing little else but fundraising. Although I want to state for the record that this is simply not true, this perception is harmful to this institution as a whole. This is remedied easily enough by not allowing out-of-State fundraising except during a Member's election cycle.

Seventh, campaign committees should not be allowed to pay back personal loans made by candidates to their own campaigns. This is often referred to as the millionaire's loophole. If a wealthy individual seeks public office, they are constitutionally entitled to expend their own resources on their campaign. Anyone who wishes to seek public office must be allowed to do so. That is the basis for this entire legislation.

However, it is inappropriate for someone to spend his or her own money, and then solicit contributions from other individuals so that the money can be paid back. Without this provision, a wealthy person can bankroll a campaign, win an election, and then through additional fundraising, pay back personal money spent on the campaign.

When contributors give money to a campaign it should be because they believe in the person running. Such donations are by their very nature made on the premise that they will not be paid back. Wealthy candidates should not be allowed to live by a separate, more advantageous, standard.

Eighth, if no other viable constitutional means of controlling campaign spending exist, any public financing of campaigns must be kept at a minimum. Although I believe that campaign finance reform without public financing would be optimal, and I do not believe that taxpayer financing of campaigns is the best use of tax dollars, if no other option is available, I would hope that my colleagues would control their zeal in which we allocate funds to this new entitlement program.

In conjunction with this point, it is wrong to pass a bill that mandates taxpayer funding but which does not clearly and explicitly state how such a program will be funded. Earlier this year, this Senate refused to pass the President's so-called stimulus package because it declared an emergency and was not funded from existing funds. There should not be a different standard for this measure.

If we must fund this bill, then we should do so now.

Mr. BOREN. Madam President, we are just awaiting word. The yeas and nays have been ordered on the Wellstone amendment. Some of our colleagues are at a meeting in the White House, I believe Members of both parties.

We are just checking. We should have word in just a moment as to the time. In just a moment the managers on both sides will consult on this and we will propound a unanimous-consent request as to time of the vote on the Wellstone amendment, No. 373, as modified.

I will just announce to my colleagues it appears that vote will be at either 6 or 6:15, if unanimous consent is granted.

Madam President, in fact, I now ask unanimous consent the vote on Senator WELLSTONE's amendment, No. 373, as modified, occur at 6:15, and that no amendments to the amendment or to the language proposed be in order.

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

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

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

VOTE ON AMENDMENT NO. 373, AS MODIFIED

The PRESIDING OFFICER. The question is on amendment No. 373, as modified, offered by the Senator from Minnesota [Mr. WELLSTONE].

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] and the Senator from Texas [Mr. KRUEGER], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS], is necessarily absent.

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

The result was announced—yeas 88, nays 9, as follows:

{Rollcall Vote No. 124 Leg.}

YEAS—88

Akaka	Daschle	Kempthorne
Baucus	DeConcini	Kennedy
Biden	Dodd	Kerrey
Bingaman	Dole	Kerry
Bond	Domenici	Kohl
Boren	Dorgan	Lautenberg
Boxer	Durenberger	Leahy
Bradley	Exon	Levin
Breaux	Faircloth	Lieberman
Brown	Feingold	Lott
Bryan	Feinstein	Lugar
Bumpers	Ford	Mathews
Burns	Glenn	McCain
Byrd	Gorton	McConnell
Campbell	Graham	Metzenbaum
Chafee	Grassley	Mikulski
Coats	Gregg	Mitchell
Cochran	Harkin	Moseley-Braun
Cohen	Hatfield	Moynihan
Conrad	Hollings	Murkowski
Coverdell	Inouye	Murray
Craig	Johnston	Nickles
D'Amato	Kassebaum	Nunn
Packwood	Rockefeller	Stevens
Pell	Roth	Thurmond
Pressler	Sarbanes	Warner
Pryor	Sasser	Wellstone
Reid	Simon	Wofford
Riegle	Simpson	
Robb	Specter	

NAYS—9

Bennett	Hatch	Shelby
Danforth	Jeffords	Smith
Gramm	Mack	Wallop

NOT VOTING—3

Heflin	Helms	Krueger

So the amendment (No. 373) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MITCHELL. 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. 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.

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening.

I now 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. DURENBERGER. 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. DURENBERGER. Mr. President, a senior statesman from one of our neighboring nations to the south once told me, "When you focus on your problems, all you get are more problems. But when you focus on your opportunities, that's where you will find solutions."

As we begin this debate, I hope our focus will not be on our narrow interests as past, present, or future candidates, or as partisans, trying to deal with the problems reform could create for us. I hope the motive of this deliberation on the Senate floor will be to find ways to create opportunities for voters, for challengers, and for reinvigorating democratic institutions.

VOTER OPPORTUNITY

Our first objective should be to give voters the opportunity to participate in meaningful election campaigns.

The saddest commentary on contemporary politics is that people do not participate because they have con-

cluded that elections do not matter. How ironic that all across the globe, people walk dozens of miles, stand for hours in rain storms and snow storms, and face danger and persecution to vote, because they want to have what we have here in America. But here in America, less than a quarter of the adult population elects a President every 4 years.

We have to change that behavior. The neat way to do it is to clean up the things that turn voters off to politics, and rev up the things that turn them on to politics.

It is clear from the polls and the coffee shops that the voters have concluded that the three most important things in politics are money, special interests, and the perceived relationship between the two. In this bill, we need to restrict those sources of money that are tainted by special interest: PAC's soft money, and out-of-State fat cats. We need to replace a portion of that with clean sources like in-State contributions and a greater financial role for broadly based political parties. That gives individual voters a bigger impact.

Second, people hate the endless campaign. We can not write into law that you can not campaign until July 4th or Labor Day of election year, because that would be unconstitutional. But we can be fairly sure that campaigns with less access to cash would focus their resources on a narrower time frame, and that would help.

Third, we ought to create incentives to improve the substantive quality of campaigns. I know the sense of helplessness that Minnesotans feel over 30-second attack ads and bumper stickers. Voters clearly want more meaningful debate, more public events like citizen juries—a Minnesota invention—above all, and town meetings, and, more value for their contribution to this effort.

We need to give the voter a greater opportunity to participate in something meaningful. Contribution limits, shortening campaigns, and making them more substantive would do that.

CHALLENGER OPPORTUNITY

Our second objective in this bill should be to make the election more competitive by giving greater opportunities to challengers.

People are not going to show up to watch the Phoenix Suns play a high school basketball team. Legitimate competition is what makes politics meaningful, and there is no way that can happen without incumbents surrendering current advantages.

Well, unfortunately, Mr. President, the 100 of us here and our 435 colleagues in the House may be the least qualified people in America to help challengers. Some of us were challengers once, but many of us never were. And those that were may not remember what it was like. That means we have to be tougher on ourselves than we want to be.

We need to deal decisively with PAC's. The perception that special interests control the system through PAC's is bad enough. But it is nothing compared to the reality that PAC's slant the playing field in favor of incumbents. Soft money does the same thing.

We need to resist the temptation to take half-way measures. Do not forget that PAC's were the reform of the mid-1970's, and they have grown into the central problem. Mr. President, abstinence is easier than moderation. Unless we do take bold steps, we run the risk, especially among House Democrats, of being described as the ultimate special interest in this debate. So I congratulate the majority for including a PAC ban in this legislation.

Having made that courageous choice, we need to move to allow campaigns to replace those funds with cleaner sources, like political parties, small in-State contributions, and some price breaks on advertising and mail costs. I commend the President for the provisions in this bill which strengthen the role of the parties.

These efforts, limitations on PAC's and out-of-State money, limitations on soft money, and reasonable spending limits, create opportunities for challengers by flattening out the financial playing field elections are played on.

REINVIGORATING DEMOCRATIC INSTITUTIONS

Third, we need to embrace the opportunity we have for true bipartisan reinvigoration of our democratic institutions.

Mr. President, the first mark of a good campaign reform bill must be that it has support from both Republicans and Democrats. No one should mistake this debate from the normal sound and fury of the legislative process. This is not about how we spend money or raise taxes. This is about how the American people decide who it is that will make all those decisions. So we should proceed with utmost care. Because we are working very close to the core of this democracy: 51 to 49 is not the threshold by which we should approve a bill of this importance. Nor is 57–43.

Having said that, let me make the point that campaign reform is really like picking a health plan: you can only make changes during the open season. The first year after a Presidential election, when the political juices are at their lowest ebb, is the best time to change. Open season is now: this chance may not come again until 1997. Does anyone here believe we can wait that long?

As we start this debate, however, I see so many hurdles and obstacles, that it is easy to despair. The administration's proposal was not, to my mind, a step forward. It bowed to the dependence of Democrats in the House on large PAC donations. It preserved incumbent advantages by allowing large PAC contributions on top of generous taxpayer handouts to incumbents and leaving challengers to raise the rest of their money the hard and expensive way. It created a confusing and ethically ambivalent two-tiered system with some money being alright in the House but banned in the Senate, and vice versa.

We need to take on the issues of money, substance, and time, hold the key to a resurgence in political involvement in this country, or a hastening decline which leads who knows where.

Mr. President, it is my conviction that bold, bipartisan campaign reform is within our grasp this year. But it is going to take a lot of vision and a lot of good faith by everybody involved to get the job done. If we can keep our eyes on the goal of opportunity for voters, for challengers, and for genuine reinvigoration of our institutions—and not look only at our problems—we can lead America into a new era of democracy.

Mr. President, I yield the floor.

MORNING BUSINESS

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

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

NEW PROPOSALS TO REFORM UNITED NATIONS PEACEKEEPING

Mr. PELL. Mr. President, I ask consent that a fascinating new essay by Brian Urquhart, former Under Secretary General of the United Nations, entitled "For a U.N. Volunteer Military Force," be inserted in the RECORD at the conclusion of my remarks. Mr. Urquhart's analysis will appear in the June 10, 1993, issue of the New York Review of Books. His views will add an important voice to the emerging debate on the role of the United Nations in international peacekeeping.

As one of the participants in the 1945 San Francisco Conference on the Founding of the United Nations, I remember well the debate pertaining to article 43 under chapter VII of the Charter of the United Nations, concerning "Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression," which called on member states to make available armed forces for the purpose of maintaining international peace and security.

Brian Urquhart suggests that, "the inability of the Security Council to enforce its decisions in less conventional military situations is the most serious setback for the world organization since the end of the cold war." To com-

pensate for this problem, he further suggests that a small volunteer force of light infantry be recruited as a permanent and highly trained unit capable of intervening at the Security Council's direction in the early stage of an international crisis. As he persuasively argues, intervention early on may reduce the risk of small crises turning into larger ones.

His recommendations deserve serious consideration. Having been present at the United Nations creation, I believe the international community is at a turning point in that organization's role in the 21st century. The failure of the international community to deal effectively with international crises, such as in the former Yugoslavia and in Cambodia, affects, as Mr. Urquhart observes, "the credibility and relevance of international organizations."

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

FOR A U.N. VOLUNTEER MILITARY FORCE

(By Brian Urquhart)

The recent vast expansion of the United Nations' peace-keeping commitments has sorely tested the UN's ability to intervene in violent local conflicts before they get out of hand, as well as its willingness to place soldiers at risk when they do. Though UN forces have achieved major successes in such places as Namibia, El Salvador, and the Golan Heights, they have faced increasing difficulty elsewhere. In Cambodia, lightly armed peace-keepers are shot at, harassed, and even killed with impunity. In Angola, a tiny contingent of UN monitors has been overwhelmed by a rebel army determined to get its way by force of arms. In Mozambique, it has taken months for the UN to convince governments to contribute troops to an urgent mission in a situation that has not yet caught the attention of the Western press and television.

Above all, the tragedy of Bosnia has shown that international organizations are not able to deal effectively, and when necessary forcefully, with violent and single-minded factions in a civil war. The reluctance of governments to commit their troops to combat in a quagmire is understandable. Yet the Bosnian Muslims, among others, have paid a terrible price, and the credibility and relevance of international organizations are dangerously diminished. How can such impotence be prevented in the future? A stillborn idea from the past may suggest an answer.

The first Arab-Israeli war in 1948 was also the first major test of the UN's ability to make its decisions stick. In a speech at Harvard during that tumultuous summer, the first secretary-general of the UN, Trygve Lie, proposed the establishment of a "comparatively small UN guard force * * * recruited by the Secretary-General and placed at the disposal of the Security Council." Lie argued that "even a small United Nations force would command respect, for it would have all the authority of the United Nations behind it."[1] The kind of task he had in mind for such a force was to put an end to factional fighting in Jerusalem and to shore up the truce decreed by the Security Council.

In fact, the UN Charter had originally envisaged something much more ambitious. One of the great innovations of the Charter was the provision, in Article 43, for member nations to make military forces available to the Security Council. It is worth recalling the scale on which action by the Security Council was originally envisaged. The United States estimate of the forces it would supply under Article 43, which was by far the largest, included twenty divisions—over 300,000 troops—a very large naval force, 1,250 bombers, and 2,250 fighters. However, by 1948, action along the lines of Article 43 had already been frozen by the cold war and by Soviet insistence that the great powers must make exactly equal contributions.

In Palestine the Arab states had rejected the UN partition decision and had gone to war to suppress the new state of Israel. Trygve Lie regarded this challenge to the UN's authority as a vital test of the organization's effectiveness in dealing with breaches of international peace and security and, faced with the paralysis of the Charter provisions for military forces, he proposed a UN legion. Lie's proposal attracted considerable public attention but no governmental support at all.

Forty-five years later, in the milder post-cold war political climate, it may be time to revive Trygve Lie's idea. The Security Council is today able to reach unanimous decisions on most of the important questions that come before it. The Council's problem now is how to make these decisions stick. The technique of peace-keeping without using force has often proved effective in conflicts between states, whether in the Middle East, Cyprus, or Africa. Predictably enough, in chaotic and violent situations within states or former states, peace-keeping forces have been unable to impose the Security Council's decisions on partisan militias and other nongovernmental groups, particularly when they are being manipulated indirectly by governments.

Although international enforcement action was successfully used against Iraq in Operation Desert Storm, the inability of the Security Council to enforce its decisions in less conventional military situations is the most serious setback for the world organization since the end of the cold war. Bosnia provides a particularly poignant example of this failure, but there are, or may well be, others—Angola and Cambodia, for example, and, before the US intervention there, Somalia. There will certainly be future conflicts in which an early display of strength by the Security Council will be needed if later disasters are to be prevented.

At the moment, the Security Council is often reduced to delivering admonitions or demands which have little or no impact on the actual situation. Like the legendary King Canute, it orders the waves to go back with small hope of practical results.

Whether or not it is too late to relieve the tragedy of Bosnia, it is essential to give the necessary authority and strength to the Security Council to deal with such situations more effectively in the future. The capacity to deploy credible and effective peace enforcement units, at short notice and at an early stage in a crisis, and with the strength and moral support of the world community behind them, would be a major step in this direction. Clearly, a timely intervention by a relatively small but highly trained force, willing and authorized to take combat risks and representing the will of the international community, could make a decisive difference in the early stages of a crisis.

Retrospective speculation about what might have been done at an early stage in Bosnia may have little value; the problem itself was, and is, uniquely complex. It is possible, however, that a much tougher early reaction to interference with humanitarian aid and to breaches of the cease-fire might have deterred the Serbian forces from their later excesses, particularly if it had been made clear that the small UN force would, if necessary, have had air and other strategic support from member states. In other words, a determined UN peace enforcement force, deployed before the situation had become desperate, and authorized to retaliate, might have provided the basis for a more effective international effort.

At the present time, financial, military, and political obstacles all combine to make such early intervention difficult or impossible. It is by now very clear that few, if any, governments are willing to commit their own troops to a forceful ground role in a situation which does not threaten their own security and which may well prove to be both violent and open-ended. National leaders are naturally reluctant to commit troops to distant operations in which they may sustain more than a few casualties.

The new unanimity of the Security Council on important problems, the confused intrastate conflicts now confronting the UN, and the natural reluctance of governments to involve their own forces in violent situations where their own interest and security are not involved—all these point strongly to the need for a highly trained international volunteer force, willing, if necessary, to fight hard to break the cycle of violence at an early stage in low-level but dangerous conflicts, especially ones involving irregular militias and groups. This is not a new idea. In *An Agenda for Peace* Secretary-General Boutros Boutros-Ghali recommended "peace enforcement" units from member states, which would be "available on call and would consist of troops that have volunteered for such service."[2]

An international volunteer force would be under the exclusive authority of the Security Council and under the day-to-day direction of the secretary-general. To function effectively, it would need the full support of members of the United Nations. Such support should include, if necessary, air, naval, and other kinds of military action. The volunteer force would be trained in the techniques of peace-keeping and negotiation as well as in the more bloody business of fighting.

A UN volunteer force would not, of course, take the place of preventive diplomacy, traditional peace-keeping forces, or of large-scale enforcement action under Chapter VII of the Charter, such as Desert Storm. It would not normally be employed against the military forces of states. It would be designed simply to fill a very important gap in the armory of the Security Council, giving it the ability to back up preventive diplomacy with a measure of immediate peace enforcement. As Secretary-General Boutros Boutros-Ghali has recommended in *An Agenda for Peace*, the Security Council should "consider the utilization of peace enforcement units in clearly defined circumstances and with their terms of reference specified in advance."[3]

There can be little doubt that there would be more than enough volunteers from around the world for an elite peace force of this kind. Thousands of men and women would apply, many of them with extensive military

[1] Trygve Lie, *In the Cause of Peace* (Macmillan, 1954), p. 98.

[2] *An Agenda for Peace* (United Nations, 1992), p. 26.

[3] *An Agenda for Peace*, p. 26.

experience. The problem would be to select, organize, and train the best of them, develop a command and support structure, and form them into suitable operational units. All of this would take time, strong leadership and expertise, and, of course, money.

Situations in which such a force is urgently needed are likely to develop long before an international, volunteer UN peace force could be ready to take the field. An interim solution would be to recruit such a force from volunteers from national armies, as is suggested in *An Agenda for Peace*. Such volunteers would already be trained and might even make up national subunits in a UN volunteer force. To have volunteers from national armies serving together in such subunits would simplify administration and problems of command. The volunteer status of such troops should go far to relieve governments of inhibiting concerns about casualties and open-ended commitments that now make them unwilling to commit their national forces to such tasks. Volunteers from national armed forces could serve for limited periods with the permission of their national establishments, and could then return to their national armed forces. Meanwhile, the development of a permanent, standing UN volunteer force could go forward.

Any number of possible objections can be posed to the idea of a UN volunteer force. Until quite recently I myself, after a long association with UN peace-keeping, would have argued against it. The idea will certainly raise, in some minds at least, the specter of supranationality that has always haunted the idea of a standing UN army. If, however, the force can only be deployed with the authority of the Security Council, the necessary degree of control by member governments is guaranteed. The main difference from peace-keeping will be the role, the volunteer nature, and the immediate availability of the force.

The question of expense inevitably arises. As a rough guide, it has been estimated elsewhere that a five-thousand-strong light infantry force would cost about $380 million a year to maintain and equip, if surplus equipment could be obtained below cost from governments.[4] The total cost of peace-keeping operations in 1992 was $1.4 billion, and it will be much more in 1993. The average ratio of expenditure between UN peace-keeping costs and national military outlays is of the order of $1 to $1,000. Units from a highly trained volunteer force might also replace traditional peace-keeping forces in some situations, thus reducing costs for traditional peace-keeping. Most important, the possibility of the UN intervening convincingly at an *early* stage in a crisis would almost certainly provide, in the long term, for a large reduction in the complication and expense that belated intervention almost invariably entails. The delay in intervening in Somalia, for example, certainly created a much larger disaster, which in turn necessitated a much larger international response.

Finally, it may be feared that a UN volunteer force will run the risk of acquiring a "mercenary" image. Outstanding leadership, high standards of recruitment, training, and performance, and dedication to the principles and objectives of the UN should help to address such concerns.

There is one overwhelmingly good reason for creating a UN volunteer force: the conditions of the post-cold war world and the new challenges faced by the United Nations urgently demand it. The UN was founded nearly fifty years ago primarily as a mechanism for dealing with disputes and conflicts between states. It is now increasingly perceived, and called upon, as an international policeman and world emergency service. The Security Council lacks the capacity for the kind of swift and effective action that could give it the initiative in the early stages of a low-level conflict. Obviously, intensive thought would have to be given to the many problems involved in such an enterprise—selection, training, command, size, location, organization, discipline and loyalty, rules of engagement, legal status, logistical and other support, and, of course, financing. The cooperation of national military establishments would be essential, especially in such matters as air and logistical support.

It will take much imaginative effort for a UN volunteer force of this kind to become a working reality. As its experience and reputation grew, however, its need to use force would certainly decrease. Its existence, known effectiveness, and immediate availability would in themselves be a deterrent to low-level violence and would give important support for negotiation and peaceful settlement. It could become a decisively useful part of the machinery of the Security Council.

In 1948 Trigve Lie sadly concluded that a UN legion:

> would have required a degree of attention and imagination on the part of men in charge of the foreign policies of the principal Member nations that they seemed to be unable to give * * * to projects for strengthening directly the authority and prestige of the United Nations as an institution.[5]

Forty-five years and millions of casualties later, the time has come to summon up that attention and imagination.

NEW YORK CITY BAR ASSOCIATION LETTER ADVOCATES CREATION OF A STANDBY U.N. MILITARY FORCE

Mr. PELL. Mr. President, the Association of the Bar of the City of New York on February 2, 1993, sent a letter to President Clinton urging that our Government give serious consideration to supporting the creation of a permanent standby U.N. military force available for peacemaking and peace enforcement pursuant to articles 40 and 43 of the U.N. Charter.

The letter is a carefully researched analysis signed by association president John D. Feerick and drafted by H. Francis Shattuck, Jr., of the association's Council on International Affairs which is chaired by Ruth Wedgewood.

The letter notes that establishing a U.N. force could eliminate delays when the Security Council decides on military measures, and would, "help assure that the U.N. itself—and not the United States—will be and will be looked to as the U.N. police force wherever * * * police action becomes necessary."

The letter's fundamental rationale is that standby U.N. military forces would better enable the United Nations to, "deter and stop major aggression, protect humanitarian relief missions, deter or stop genocidal killings, and * * * enforce truce and peace agreements."

The letter makes clear that the United States' veto right in the Security Council as well as the U.S. Constitution and existing legislation adequately address the concerns that our Government needs to retain the right to approve making troops available to the United Nations, and that we will retain the final decision as to their use.

Mr. President, I have long advocated a similar position. My interest in this subject goes back to the founding of the United Nations in San Francisco in 1945 when I assisted the working group drafting the articles of the U.N. Charter providing for such military arrangements.

The recent experience in Somalia in which United States forces for the first time are deployed under a non-United States, United Nations command, has demonstrated anew the role that such forces can play. There have been many other peacekeeping missions which would have benefited from the existence of a standby U.N. military force.

In more challenging situations, such as Bosnia, a standby force would clearly have to be augmented by national forces, either directly or through a military alliance such as NATO. If there had been a standby force 1 or 2 years ago, it might have been possible to deploy it then with greater effectiveness than is possible now.

But there is a middle range of situations in which a standby U.N. force, able to move and act quickly at the direction of the Security Council, could make the difference in keeping a specific problem contained, limited in scope and ferocity, and preventing it from spreading or escalating.

Mr. President, I ask unanimous consent that excerpts from the text of the letter from the New York Bar Association calling for creation of a standby U.N. military force, be printed in the RECORD at this point.

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

FEBRUARY 2, 1993.

Hon. WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The purpose of this letter is to urge that in the interest of promoting and enforcing the rule of law in international affairs and strengthening the United Nations, our government continue to give the most serious consideration to the recommendation in the recent report of the United Nations' Secretary-General that:

(1) a permanent standby U.N. military force available for peacemaking be created pursuant to Article 43 of the U.N. Charter, and

(2) a volunteer standby U.N. military force on call for peace enforcement missions be created now as a provisional measure under Article 40 of the U.N. Charter.

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[4] John M. Lee, Robert Von Pagenhardt, and Timothy W. Stanley, with a foreword by Robert S. MacNamara, *To Unite Our Strength* (Economic Studies Institute, 1992).

[5] Lie, *In the Cause of Peace*, p. 99.

Although the Secretary-General appears to have suspended for the time being his efforts to establish a U.N. force under Article 43, he continues to press for the creation of peace enforcement units. We believe these objectives are equally important and should be pursued simultaneously.

Since 1947 lightly armed so-called "peacekeeping" forces have been utilized increasingly. Such forces, under U.N. command, not even mentioned in the U.N. Charter, are used only with the consent of all parties. Primarily they observe or monitor geographic borders and demilitarized zones in truce and settlement agreements. Their missions, however, have grown in complexity, e.g. protection of relief efforts (Somalia and Bosnia), organizing or even supervising elections (Namibia, Angola, Cambodia), administering the surrender of arms (Cambodia, El Salvador), verifying performance of human rights undertakings (El Salvador), virtually acting temporarily as a governmental authority (Cambodia).

Some missions, depending on the circumstances, require heavily armed units capable of enforcing as distinguished from simply monitoring peace or truce terms already agreed. Such troops have been called "peace enforcement" or "cease fire enforcement" units. It is this peace enforcing role at which the Secretary General's second recommendation is directed.

* * * * *

In order to obtain even so-called "peacekeeping" troops to monitor a cease fire or other settlement agreement, the U.N. must also await an offer of troops and equipment from one or more of its members or a response to a request for troops from the Secretary General. Several Nordic countries already maintain standby peacekeeping forces for U.N. use. However, the Secretary-General recently reported that three or four months can elapse between authorization of a peacekeeping mission by the Security Council and the startup of operations—an unconscionable delay. Thus, the Security Council has in effect been denied quick access to several essential tools—these three types of forces: peacemaking forces to stop aggression, peace enforcement units and peacekeeping forces. It is reduced to the role of suppliant for forces to carry out its decisions.

Had U.N. forces been promptly deployed on the Iran/Iraq border in 1980 or at the Kuwait/Iraq border in 1990, perhaps coupled with a show of force by the U.N., the ensuing wars might not have occurred. Had standby U.N. forces, including air and naval units, been available for rapid deployment at the beginning of events in Somalia and Bosnia, the situations in both these countries would almost certainly be different today. Had standby heavily armed peace enforcement units been available for rapid deployment against the Khmer Rouge in Cambodia and against the Savimbi rebels in Angola, the U.N. would have been in a stronger position to enforce the agreed settlement terms in these countries.

In short, with standby peacemaking Article 43 forces and standby Article 40 peace enforcement forces in place, it would be far more possible for the U.N. to deter and stop major aggression, protect humanitarian relief missions, deter or stop genocidal killings, and to enforce truce and peace agreements. The mere existence of such forces in some cases would act as a deterrent to aggression, to the non observance of truce or peace agreements and other unlawful actions and give the U.N. sorely needed leverage in its role as a peacemaker. Further, the U.N. could concern itself less with the question of how and where its forces would come from and more with whether and how to use such force.

Even if such forces were incapable of stopping a conflict between major powers, there can be no doubt of their usefulness stopping smaller conflicts—which unless stopped early, can widen to embroil additional states, e.g., that in Bosnia-Herzegovina.

Finally, the existence of such forces would help to assure that the U.N. itself—and not the United States—will be and will be looked to as the U.N. police force wherever substantial police action becomes necessary. This in turn means that the burden of military operations in terms of money, troops, equipment and supplies would be shared more equitably.

We are pleased to note that the Security Council has recently requested members to notify the Secretary General of what types of forces, equipment and facilities they could make available on short notice. However, at most we see this as a first step in developing standby arrangements for performing peace enforcement missions.

We see no insuperable problems in establishing either type of U.N. standby force urged by the Secretary General.

"FINAL DECISION" AS TO USE

President Bush, in his remarks of September 21, 1992 to the U.N. after welcoming the call of the Secretary General for trained military units available on short notice, said states must retain the "final decision" on the use of such troops. Speaking for the U.S. he was conceivably referring to the President's constitutional powers as commander in chief of U.S. forces. As Robert Turner concluded in a prepared statement for the Senate Committee on Foreign Relations, it would seem clear that while the President may delegate some of his military responsibilities, he is not constitutionally empowered to transfer irrevocably the command of U.S. forces. Consequently, he retains the power to recall U.S. forces.

In any event, any state could both in making peace enforcement units available now and in entering into any agreement under Article 43 expressly reserve the right to recall such troops. For the United States, this approach has a belt and suspenders aspect because of the unqualified right of veto which the U.S. already has in the Security Council itself—the only body empowered to request troops and to deploy them.

Against this approach it can be argued that the right to recall troops could tend to undermine the success of any operation. Until nations are prepared to waive that right this possibility is inevitable. However, the likelihood of its being exercised often would seem relatively small.

APPROVALS PRIOR TO USE OR DEPLOYMENT

In his September 21 remarks to the United Nations, President Bush also said that such troops should be available "with the approval of the governments providing them."

To require such prior approval each time forces are requested and deployed, whether for peace enforcement, peacekeeping or as Article 43 forces, is, it would appear one of the major causes of the situation today of protected delays built into the system before troops can even be made available.

We believe in the U.S. it is possible to reconcile the need for speed deploying or stationing such forces when required with the stated need for approval by governments

(a) *Article 43 troops*

As to Presidential approval, each time Article 43 troops are requested the President of the United States would have to approve the request for their deployment and any decision as to their use. Both require a decision by the Security Council in which the U.S. through its president has a veto.

* * * * *

In short, a well-trained, combat-ready standby U.N. military force is an idea whose time is overdue. We urge its implementation, in a manner which eliminates counterproductive delays once the Security Council has decided to take military measures.

Sincerely,

JOHN D. FEERICK,
President of the Association of the Bar of the City of New York.

REPORT ON SERBIA AND MONTENEGRO—MESSAGE FROM THE PRESIDENT—PM 24

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) is to continue in effect beyond May 30, 1993, to the *Federal Register* for publication.

The circumstances that led to the declaration on May 30, 1992, of a national emergency have not been resolved. The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to support groups seizing and attempting to seize territory in the Republics of Croatia and Bosnia-Hercegovina by force and violence. The actions and policies of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) pose a continuing unusual and extraordinary threat to the national security, vital foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to reduce its ability to support the continuing civil strife and bloodshed in the former Yugoslavia.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 25, 1993.*

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SERBIA AND MONTENEGRO—MESSAGE FROM THE PRESIDENT—PM 25

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

On May 30, 1992, in Executive Order No. 12808, President Bush declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States arising from actions and policies of the Governments of Serbia and Montenegro, acting under the name of the Socialist Federal Republic of Yugoslavia or the Federal Republic of Yugoslavia, in their involvement in the support for groups attempting to seize territory in Croatia and Bosnia-Hercegovina by force and violence utilizing, in part, the forces of the so-called Yugoslav National Army (57 *FR* 23299, June 2, 1992). The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c). It discusses Administration actions and expenses directly related to the exercise of powers and authorities conferred by the declaration of a national emergency in Executive Order No. 12808 and to expanded sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S/M)") contained in Executive Order No. 12810 of June 5, 1992 (57 *FR* 24347, June 9, 1992), Executive Order No. 12831 of January 15, 1993 (58 *FR* 5253, January 21, 1993), and Executive Order No. 12846 of April 26, 1993 (58 *FR* 25771, April 27, 1993).

1. Executive Order No. 12808 blocked all property and interests in property of the Governments of Serbia and Montenegro, or held in the name of the former Government of the Socialist Federal Republic of Yugoslavia or the Government of the Federal Republic of Yugoslavia, then or thereafter located in the United States or within the possession or control of U.S. persons, including their overseas branches.

Subsequently, Executive Order No. 12810 expanded U.S. actions to implement in the United States the U.N. sanctions against the FRY (S/M) adopted in United Nations Security Council Resolution No. 757 of May 30, 1992. In addition to reaffirming the blocking of FRY (S/M) Government property, this order prohibits transactions with respect to the FRY (S/M) involving imports, exports, dealing in FRY-origin property, air and sea transportation, contract performance, funds transfers, activity promoting importation or exportation or dealings in property, and official sports, scientific, technical, or cultural representation of the FRY (S/M) in the United States.

Executive Order No. 12810 exempted from trade restrictions (1) transshipments through the FRY (S/M), and (2) activities related to the United Nations Protection Force ("UNPROFOR"), the Conference on Yugoslavia, or the European Community Monitor Mission.

On January 15, 1993, President Bush issued Executive Order No. 12831 to implement new sanctions contained in United Nations Security Council Resolution No. 787 of November 16, 1992. The order revokes the exemption for transshipments through the FRY (S/M) contained in Executive Order No. 12810; prohibits transactions within the United States or by a U.S. person relating to FRY (S/M) vessels and vessels in which a majority or controlling interest is held by a person or entity in, or operating from, the FRY (S/M), and states that all such vessels shall be considered as vessels of the FRY (S/M), regardless of the flag under which they sail. Executive Order No. 12831 also delegates discretionary authority to the Secretary of the Treasury, in consultation with the Secretary of State, to prohibit trade and financial transactions involving any areas of the former Socialist Federal Republic of Yugoslavia as to which there is inadequate assurance that such transactions will not be diverted to the benefit of the FRY (S/M).

On April 26, 1993, I issued Executive Order No. 12846 to implement in the United States the sanctions adopted in United Nations Security Council Resolution No. 820 of April 17, 1993. That resolution called on the Bosnian Serbs to accept the Vance-Owen peace plan for Bosnia-Hercegovina and, if they failed to do so by April 26, called on member states to take additional measures to tighten the embargo against the FRY (S/M) and Serbian-controlled areas of Croatia and Bosnia-Hercegovina.

Effective 12:01 a.m. e.d.t., April 26, 1993, Executive Order No. 12846: (1) blocks all property and interests in property of businesses organized or located in the FRY (S/M), including the property of their U.S. and other foreign subsidiaries, that are in or later come within the United States or the possession or control of U.S. persons, including their overseas branches; (2) confirms the charging to the owners or operators of property blocked under this order or Executive Orders No. 12808, No. 12810, or No. 12831 all expenses incident to the blocking and maintenance of such property, requires that such expenses be satisfied from sources other than blocked funds, and permits such property to be sold and the proceeds (after payment of expenses) placed in a blocked account; (3) orders (a) the detention pending investigation of all nonblocked vessels, aircraft, freight vehicles, rolling stock, and cargo within the United States suspected of violating United Nations Security Council Resolutions No. 713, No. 757, No. 787, or No. 820, and (b) the blocking of such conveyances or cargo if a violation is determined to have been committed, and permits the liquidation of such blocked conveyances or cargo and the placing of the proceeds into a blocked account; (4) prohibits any vessel registered in the United States, or owned or controlled by U.S. persons, other than U.S. naval vessels, from entering the territorial waters of the FRY (S/M); and (5) prohibits U.S. persons from engaging in any transactions relating to the shipment of goods to, from, or through United Nations Protected Areas in the Republic of Croatia and areas in the Republic of Bosnia-Hercegovina under the control of Bosnian Serb forces.

Executive Order No. 12846 authorizes the Secretary of the Treasury in consultation with the Secretary of State to take such actions, and to employ all powers granted to me by the authorities cited above, as may be necessary to carry out the purposes of that order. The sanctions imposed in the order do not invalidate existing licenses or authorizations issued pursuant to Executive Orders No. 12808, No. 12810, or No. 12831 except as those licenses and authorizations may thereafter be terminated, suspended, or modified by the issuing Federal agencies, but otherwise the sanctions apply notwithstanding any preexisting contracts, international agreements, licenses, or authorizations.

2. The declaration of the national emergency on May 30, 1992, was made pursuant to the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.)*, the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. The emergency declaration was reported to the Congress on May 30, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)). The additional sanctions set forth in Executive Orders No. 12810, No. 12831, and No. 12846 were imposed pursuant to the authority vested in the President by the Constitution and laws of the United States, including the statutes cited above, section 1114 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1514), and section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c).

3. Since the last report, the Office of Foreign Assets Control of the Department of the Treasury ("FAC"), in consultation with the Department of State and other Federal agencies, issued the Federal Republic of Yugoslavia (Serbia and Montenegro) Sanctions Regulations, 31 C.F.R. Part 585 (58 *FR* 13199, March 10, 1993—the "Regulations"), to implement the prohibitions contained

in Executive Orders No. 12808, No. 12810, and No. 12831. A copy of the Regulations is enclosed with this report. The seven general licenses discussed in the last report were incorporated into the Regulations. The Regulations contain general licenses for certain transactions incident to: the receipt or transmission of mail and informational materials and for telecommunications transmissions between the United States and the FRY (S/M); the importation and exportation of diplomatic pouches; certain transfers of funds or other financial or economic resources for the benefit of individuals located in the FRY (S/M); the importation and exportation of household and personal effects of persons arriving from or departing to the FRY (S/M); transactions related to nonbusiness travel by U.S. persons to, from, and within the FRY (S/M); and transactions involving secondary-market trading in debt obligations originally incurred by banks organized in Slovenia, Croatia, Bosnia-Hercegovina, and Macedonia.

On January 15, 1993, FAC issued General Notice No. 2, entitled "Notification of Status of Yugoslav Entities." A copy of the notice is attached. The list is composed of government, financial, and commercial entities organized in Serbia or Montenegro and a number of foreign subsidiaries of such entities. The list is illustrative of entities covered by FAC's presumption, stated in the nctice, that all entities organized or located in Serbia or Montenegro, as well as their foreign branches and subsidiaries, are controlled by the Government of the FRY (S/M) and thus subject to the blocking provisions of the Executive orders. General Notice No. 2, which includes more than 400 entities, expands and incorporates the list of 284 entities identified in General Notice No. 1 (57 *FR* 32051, July 20, 1992), noted in the previous report.

As part of a U.S.-led allied effort to tighten economic sanctions against Yugoslavia, on March 11, 1993, FAC named 25 maritime firms and 55 ships controlled by these firms as "Specially Designated Nationals" ("SDNs") of Yugoslavia. A copy of General Notice No. 3 is attached. These shipping firms and the vessels they own, manage, or operate by using foreign front companies, changing vessel names, and reflagging ships, are presumed to be owned or controlled by or to be acting on behalf of the Government of the FRY (S/M). In addition, pursuant to Executive Order No. 12846, the property within U.S. jurisdiction of these firms is blocked as direct or indirect property interests of firms organized or located in the FRY (S/M).

The FRY (S/M) has continued to operate its maritime fleet and trade in violation of the international economic sanctions mandated by United Nations Security Council Resolutions No. 757 and No. 787. Operations and activities by Yugoslav front companies, or SDNs, enable the Government of the FRY (S/M) to circumvent the international trade embargo. The effect of FAC's SDN designation is to identify agents and property of the Government of the FRY (S/M), and property of entities organized or located in the FRY (S/M), and thus to extend the applicability of the regulatory prohibitions governing transactions with the Government of the FRY (S/M) and its nationals by U.S. persons to these designated individuals and entities wherever located, irrespective of nationality or registration. U.S. persons are prohibited from engaging in any transaction involving property in which an SDN has an interest, which includes all financial and trade transactions. All SDN property within the jurisdiction of the United States (including financial assets in U.S. bank branches overseas) is blocked.

The two court cases in which the blocking authority was challenged as applied to FRY (S/M) subsidiaries and vessels in the United States remain pending at this time. In one case, the plaintiffs have challenged the application of Executive Order No. 12846, and the challenge remains to be resolved. The other case is presently pending before a U.S. Court of Appeals.

4. Over the past 6 months, the Departments of State and the Treasury have worked closely with European Community (the "EC") member states and other U.N. member nations to coordinate implementation of the sanctions against the FRY (S/M). This has included visits by assessment teams formed under the auspices of the United States, the EC, and the Conference for Security and Cooperation in Europe (the "CSCE") to states bordering on Serbia and Montenegro; deployment of CSCE sanctions assistance missions ("SAMS") to Albania, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Hungary, Romania, and Ukraine to assist in monitoring land and Danube River traffic; bilateral contacts between the United States and other countries with the purpose of tightening financial and trade restrictions on the FRY (S/M); and establishment of a mechanism to coordinate enforcement efforts and to exchange technical information.

5. In accordance with licensing policy and the Regulations, FAC has exercised its authority to license certain specific transactions with respect to the FRY (S/M) that are consistent with the Security Council sanctions. During the reporting period, FAC has issued 163 specific licenses regarding transactions pertaining to the FRY (S/M) or assets it owns or controls, bringing the total as of April 30, 1993, to 426. Specific licenses have been issued for (1) payment to U.S. or third-country secured creditors, under certain narrowly defined circumstances, for pre-embargo import and export transactions; (2) for legal representation or advice to the Government of the FRY (S/M) or FRY (S/M)-controlled clients; (3) for restricted and closely monitored operations by subsidiaries of FRY (S/M)-controlled firms located in the United States; (4) for limited FRY (S/M) diplomatic representation in Washington and New York; (5) for patent, trademark and copyright protection, and maintenance transactions in the FRY (S/M) not involving payment to the FRY (S/M) Government; (6) for certain communications, news media, and travel-related transactions; (7) for the payment of crews' wages and vessel maintenance of FRY (S/M)-controlled ships blocked in the United States; (8) for the removal from the FRY (S/M) of manufactured property owned and controlled by U.S. entities; and (9) to assist the United Nations in its relief operations and the activities of the U.N. Protection Force. Pursuant to United Nations Security Council Resolutions No. 757 and No. 760, specific licenses have also been issued to authorize exportation of food, medicine, and supplies intended for humanitarian purposes in the FRY (S/M).

During the past 6 months, FAC has continued to closely monitor 15 U.S. subsidiaries of entities organized in the FRY (S/M) that were blocked as entities owned or controlled by the Government of the FRY (S/M). Treasury agents performed on-site audits and reviewed numerous reports submitted by the blocked subsidiaries. Subsequent to the issuance of Executive Order No. 12846, operating licenses issued for U.S.-located Serbian or Montenegrin subsidiaries or joint ventures were revoked and the U.S. entities closed for business.

The Board of Governors of the Federal Reserve Board and the New York State Banking Department again worked closely with FAC with regard to two Serbian banking institutions in New York that were closed on June 1, 1992. Full-time bank examiners continue to be posted in their offices to ensure that banking records are appropriately safeguarded.

During the past 6 months, U.S. financial institutions have continued to block funds transfers in which there is an interest of the Government of the FRY (S/M). Such transfers have accounted for an additional $24.5 million in blocked Yugoslav assets since the issuance of Executive Order No. 12808.

To ensure compliance with the terms of the licenses that have been issued under the program, stringent reporting requirements are imposed. Some 350 submissions were reviewed since the last report, and more than 150 compliance cases are currently open. In addition, licensed bank accounts are regularly audited by FAC compliance personnel and by cooperating auditors from other regulatory agencies.

6. Since the issuance of Executive Order No. 12810, FAC has worked close-

ly with the U.S. Customs Service to ensure both that prohibited imports and exports (including those in which the Government of the FRY (S/M) has an interest) are identified and interdicted, and that permitted imports and exports move to their intended destination without undue delay. Violations and suspected violations of the embargo are being investigated, and appropriate enforcement actions are being taken. There are currently 39 cases under active investigation.

7. The expenses incurred by the Federal Government in the 6-month period from December 1, 1992, through May 30, 1993, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to the FRY (S/M) are estimated at $2.9 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC and its Chief Counsel's Office and the U.S. Customs Service), the Department of State, the National Security Council, the U.S. Coast Guard, and the Department of Commerce.

8. The actions and policies of the Government of the FRY (S/M), in its involvement in and support for groups attempting to seize and hold territory in Croatia and Bosnia-Hercegovina by force and violence, continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of this crisis through its actions implementing the binding resolutions of the United Nations Security Council with respect to the FRY (S/M). I shall continue to exercise the powers at my disposal to apply economic sanctions against the FRY (S/M) as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 25, 1993.*

MESSAGE FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 324(b)(6) of Public Law 102-392, the Speaker appoints Mr. FAZIO to the Commission on the Bicentennial of the United States Capitol on the part of the House.

At 2:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 588. An Act to designate the facility of the U.S. Postal Service located at 20 South Main in Beaver, UT, as the "Abe Murdock United States Post Office Building."

H.R. 996. An Act to amend title 38, United States Code, to establish a veterans education certification and outreach program.

H.R. 1723. An Act to authorize the establishment of a program under which employees of the Central Intelligence Agency may be offered separation pay to separate from service voluntarily to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, and for other purposes.

H.R. 1779. An Act to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building."

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

MEASURES REFERRED

The following measures were read the first and second times by unanimous consent, and referred as indicated:

H.R. 588. An act to designate the facility of the U.S. Postal Service located at 20 South Maine in Beaver, UT, as the "Abe Murdock United States Post Office Building"; to the Committee on Governmental Affairs.

H.R. 996. An act to amend title 38, United States Code, to establish a veterans education certification and outreach program; to the Committee on Veterans' Affairs.

H.R. 1779. An act to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building"; to the Committee on Governmental Affairs.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1723. An act to authorize the establishment of a program under which employees of the Central Intelligence Agency may be offered separation pay to separate from service voluntarily to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, and for other purposes.

The Committee on the Judiciary was discharged from further consideration of the following bill; which was placed on the calendar:

H.R. 1313. An act to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-849. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on foreign ownership of U.S. agricultural land for calendar year 1992; to the Committee on Agriculture, Nutrition and Forestry.

EC-850. A communication from the Assistant Legal Adviser (Treaty Affairs), United States Department of State, transmitting, pursuant to law, the texts of international agreements and background statements; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Technology:

Kathryn D. Sullivan, of Texas, to be Chief Scientist of the National Oceanic and Atmospheric Administration;

Mortimer L. Downey, of New York, to be Deputy Secretary of Transportation;

Douglas Kent Hall, of Kentucky, to be Assistant Secretary of Commerce for Oceans and Atmosphere;

Stephen H. Kaplan, of Colorado, to be general counsel of the Department of Transportation;

Arati Prabhakar, of Texas, to be Director of the National Institute of Standards and Technology;

D. James Baker, of the District of Columbia, to be Under Secretary of Commerce for Oceans and Atmosphere;

Clarence L. Irving, Jr., of New York, to be Assistant Secretary of Commerce for Communications and Information; and

Michael P. Huerta, of California, to be Associate Deputy Secretary of Transportation.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

Kent H. Williams.
James M. Loy.
John L. Linnon, Jr.

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral (lower half):

Howard B. Gehring.
Gordon G. Piche.
Paul M. Blayney.
John E. Shkor.
Paul E. Busick.

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably four nomination lists in the Coast Guard, which were printed in full in the CONGRESSIONAL RECORDS of February 16 and 25, 1993, and April 2 and 21, 1993, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

By Mr. BAUCUS, from the Committee on Environment and Public Works:

George T. Frampton, Jr., of the District of Columbia, to be Assistant Secretary for Fish and Wildlife;

Rodney E. Slater, of Arkansas, to be Administrator of the Federal Highway Administration;

Steven Alan Herman, of New York, to be an Assistant Administrator of the Environmental Protection Agency; and

David Gardiner, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DORGAN:

S. 1015. A bill to establish a 2-year moratorium on construction and leasing of space by the Federal Government, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COHEN:

S. 1016. A bill to recognize grandparents who serve as the primary caregivers to their grandchildren and to provide assistance to such grandparents under certain programs; to the Committee on Finance.

By Mr. PRESSLER:

S. 1017. A bill to withhold all United States funds from the United Nations unless the United Nations carries out certain administrative and budgetary reforms; to the Committee on Foreign Relations.

By Mr. PRESSLER:

S. 1018. A bill to amend the War Powers Resolution to require a cost assessment with respect to certain commitments of United States Armed Forces abroad; to the Committee on Foreign Relations.

By Mr. PRESSLER:

S. 1019. A bill to require prior notification of the Congress of anticipated commitments of United States funds to United Nations peacekeeping activities in excess of available appropriations; to the Committee on Foreign Relations.

By Mr. WOFFORD (for himself, Mr. KENNEDY, and Mr. KERRY):

S. 1020. A bill to promote economic growth and job creation in the United States by facilitating worker involvement in the development and implementation of advanced workplace technologies and advanced workplace practices and by identifying and disseminating information on best workplace practices; to the Committee on Labor and Human Resources.

By Mr. INOUYE (for himself, Mr. BAUCUS, Mr. CAMPBELL, Mr. FEINGOLD, Mr. HATFIELD, Mr. PELL, and Mr. WELLSTONE):

S. 1021. A bill to assure religious freedom to Native Americans; to the Committee on Indian Affairs.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 1022. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases for waters off the coast of the State of New Jersey until the year 2000, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1023. A bill to provide that no funds may be expended in fiscal year 1994 by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the April 1992 proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997; to the Committee on Energy and Natural Resources.

By Mr. BRADLEY:

S. 1024. A bill to establish a demonstration program to develop new techniques to prevent coastal erosion and preserve shorelines; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CONRAD (for himself, Mr. BAUCUS, Mr. HARKIN, and Mr. FORD):

S. 1025. A bill to promote technology transfer to small manufacturers by providing for engineering students to work as interns with small manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PACKWOOD (for himself and Mr. HATFIELD):

S.J. Res. 97. A joint resolution to commemorate the sesquicentennial of the Oregon Trail; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 1015. A bill to establish a 2-year moratorium on construction and leasing of space by the Federal Government, and for other purposes; to the Committee on Environment and Public Works.

FEDERAL BUILDING MORATORIUM ACT OF 1993

Mr. DORGAN. Mr. President, the General Services Administration has recently released its prospectus for 1994. For the coming year, the Public Buildings Service estimates that the GSA will spend $900 million on new construction and $2.1 billion on leases. Overall, the GSA will spend a total of $5.1 billion on Government buildings in 1994. This is an increase of $600 million over last year, with most of the increases occurring in leasing and construction. Even worse, the GSA estimates that Federal construction projects worth over $11 billion are currently underway.

As the Senate considers this huge expenditure being financed by the American taxpayer, I ask my colleagues to keep in mind three very important points: First and fundamentally, this country has a budget deficit of over $380 billion. Second, the Federal Government already owns 400,000 buildings and there is an immense amount of unused space in the Federal inventory which will continue to grow as military bases close. Third, the Clinton administration has pledged to cut the Federal work force by 10 percent. Therefore the Government will need less space rather than more. Mr. President, let us consider these three factors the way any American family or small business planning for its future would consider them. It does not take an accountant to realize that we must put a stop to this prolific and expensive building spree, and instead begin to utilize the buildings we already have.

The legislation I am offering today will put the brakes on these ambitious building plans. I propose we set a 2-year moratorium on all new Federal construction and leasing. The moratorium will force the Federal Government to take stock of its priorities, fully utilize space currently owned and most importantly, help reduce the national deficit.

This building moratorium will force the GSA—indeed the entire Federal Government—to take stock of its current holdings and treat them in a more efficient manner. This chart shows the rise in Federal office space compared to the number of Federal workers over the past 15 years. As you can see, the Government employment rate has stayed fairly stable, while the amount of office space has continued to grow. This makes no sense. If the GSA were a private distribution, supply, and construction company, it would rank in the top 50 of the Fortune 500—and would have gone bankrupt long ago. Because of its relationship with other Government agencies, the GSA has little motivation to treat its transactions in an efficient and businesslike manner. For example, there is no financial incentive for Federal agencies to report excess property to the GSA. Therefore, the Government tends to hold onto and mothball old buildings, while continuing to build and rent new ones. Many Government properties could be recycled to more economic uses, exchanged for needed property, or sold to the private sector. This building moratorium will force Federal agencies to strategically manage and dispose of real assets in a businesslike manner, and maximize their return to the investor: the U.S. taxpayer.

The overwhelming share of Federal buildings being constructed by the GSA today is Federal courthouses. The GSA estimates court projects worth over $1 billion are currently authorized or underway. If the GSA and the Administrative Office of the U.S. Courts have their way, this trend will continue for many years. Out of the 16 buildings submitted by the GSA for prospectus consideration for next year, 11 are U.S. courts. And the Administrative Office of the U.S. Courts claims that at least $750 million a year—for the next 10 years—will be needed for Federal courthouse construction.

Considering that we are dramatically cutting Federal expenses in all areas, I think we must look into why the courts are advocating such large expansion plans. This chart illustrates

the growth in Federal courthouse construction as compared to the number of civil and criminal filings in Federal district courts. As you can see, there has been a dramatic expansion of courthouse space, even though civil and criminal filings have remained fairly constant. And according to the GSA's prospectus for this year, the disparity between courthouse construction and the Federal caseload will continue to grow. Those 11 courthouses the GSA plans to construct will cost over $580 million in 1994, which is 78 percent of GSA's $746 million construction program for this year. And of course the total construction costs for these 11 courthouses will be much higher. In fact the total construction costs will be around $1.5 billion.

Federal courthouses are about the most expensive buildings that can be constructed. In 1990 the average cost to build accommodations for a single district court judge, in an already existing building which required no major structural changes, was approximately $800,000. Courthouses are designed to suggest the importance of law and the court system, and that importance is expensive to convey. However, it is interesting to note that the Administrative Office of the U.S. Courts estimates that Federal courthouses cost $45 to $50 a square foot more than State courthouses. This is the type of excessive costs—which we cannot afford—that contributes to the need for a Federal building moratorium.

Let us examine some of the reasons given by the Federal courts for why they are growing so expansively, as well as expensively, while our Nation is trying to climb out of its most serious economic difficulties since the Great Depression.

One reason the Federal courts give for this expansion is that the federalization of crimes has put a huge new burden on the Federal courts. Well, let us look at the facts, as provided by the Administrative Office of the U.S. Courts. In 1972, the total number of criminal defendants was around 53,000. In 1982 the number of criminal defendants had actually decreased to 40,466. By 1992, the number had risen to 58,373. Thus the number was clearly fluctuated. However, it is important to note that in all years, most Federal defendants have their cases terminated prior to trial. In 1982, 26,355 of the 40,466 cases were terminated by guilty pleas, 1,037 were resolved by nolo pleas, and 7,051 were dismissed. In 1992, 42,339 of the 58,373 cases were terminated through guilty pleas, 530 were terminated by nolo pleas, and 8,328 were dismissed by the court. Thus, in 1982 there were only 6,023 defendants who were actually tried and found to be either innocent or guilty by a Federal court. In 1992, the number of defendants actually convicted or found innocent in Federal court had grown to 7,176. Thus, while the number of criminal trials has grown, I do not believe the addition of 1,153 criminal trials to the Federal court system justifies this huge growth in new Federal courthouses.

Of course, the Federal courts have traditionally handled many more civil cases than criminal cases. However, as with criminal cases, the number of Federal civil cases has not dramatically increased. In fact, the civil caseload for Federal courts had actually been declining for 4 years before rising slightly this past year. And much of this year's increase was the result of the Government's renewed efforts to recover on defaulted student loans and veterans benefits. Clearly then, trends in civil litigation are not the reason why this ambitious Federal court building program is warranted.

Finally, bankruptcy filings have supposedly caused the Federal courts to need much more space. It is true that these filings have grown at an enormous rate over the past 12 years. Last year, the number of bankruptcies rose 11 percent, reaching almost 1 million. However, most of these increases were in personal bankruptcies. In fact, more than 900,000 of these cases were personal bankruptcies. These cases are hardly similar to the huge litigation morass which occurs when a major company files for Federal protection. Personal bankruptcies do not allow court approved workouts. Rather they simply entail distribution of the debtor's nonexempt assets by a bankruptcy trustee or administrator. It is also important to note that the growth in bankruptcy filings has eased. During the last three quarters of 1992 the national increase was less than 3 percent, the smallest increase in more than 8 years. According to the Administrative Office of the U.S. Courts, the decline is likely to continue.

Finally, to put the Federal court caseload into perspective, I think it is important to consider what their State counterparts are faced with. In U.S. district courts, the average number of criminal filings per judge is 70. In State courts, the number is 405. The number of civil filings per U.S. district judge is 320. In State courts, the number per judge is 986.

Mr. President, for anyone who wants to see what these figures mean in reality, I suggest they walk five blocks down Pennsylvania Avenue, west of the Capitol. Located on either side of John Marshall Plaza, are the U.S. Courthouse, and the District of Columbia Superior Courthouse. If you walk into superior court on any given day, you will see it virtually packed with litigants and defendants involved in every conceivable legal issue from murder to civil real estate suits. On the other hand, if you walk to the other side of John Marshall Plaza and enter the Federal courthouse, you will see only vast empty hallways, silent as a tomb.

I am not saying that the Federal courts should be treated the same as State courts. I realize their constitutional role is different and their jurisdiction far more limited. I simply believe it is only fair for the judiciary to share the burden of reducing the budget deficit with the legislative and executive branches. It is also important to note that for the crime bill, habeas corpus reform, and the violence against women bill, the judiciary opposed increased involvement by article III courts. Yet the Federal courts claim 78 percent of new Federal office construction.

Actually, the Federal courts have already begun to feel the effects of the national budget deficit in many areas. From funding shortfalls for juror payments, to delaying modernization of computer systems, the courts have been forced to cut back. The time has come for the courts to realize that the budget deficit also affects their ambitious building plans.

As well as prohibiting the construction of buildings, the building moratorium will preclude the Government from entering into new leases for Federal space. Many argue that with the current glut of space available on the market today, the Government could lease its space requirements at very competitive rates. It is important to note that the proportion of federally leased space to federally owned space has exploded over the past two decades. Costs associated with leasing soared from $389 million in 1975 to $1.5 billion in 1991. This year, the GSA will spend $1.9 billion on leases, and next year the projected rent payment will rise to $2.1 billion. Therefore, it is also argued that leasing space is an enormous expense, for which the Government gains no equity. However, I believe the build/lease debate obscures the fundamental issue which we must face: The Federal Government is spending too much money on its building and leasing programs, in the face of a huge deficit and shrinking work force.

The building moratorium will force the Government to operate in a more businesslike manner. Nevertheless, there are fundamental priorities which cannot be shirked by the National Government. The most basic of these is education. While we must curtail the building of space for our shrinking Federal work force, the same is not true for educating our Nation's young people. The purpose of the moratorium is to help restore this county's economic health for future generations. It would be oxymoronic to this goal to restore our fiscal health while neglecting the educational needs of our children. Therefore, the moratorium will not apply to new buildings that will be used to educate our Nation's students. Also, if a situation develops which is more important than reducing the Federal deficit, this legislation allows the

President to waive the moratorium's requirements. Such reasons include national security issues, essential national priorities, and national emergencies.

Recently, Senator COHEN from Maine introduced an amendment to the RTC funding bill, which would require the GSA to become more efficient in constructing and leasing buildings. I believe this is a good idea, and I support the amendment. But it is only the tip of the iceberg. Because the Government continues to build and lease regardless of the huge Federal deficit, the large amounts of unused space, and the reductions in the Federal work force, I believe a complete building moratorium must be imposed.

There are those who consider a 2-year building moratorium to be draconian, to be simplistic, and to be out of touch with the realities of a changing Federal work force. To an extent these complaints may be true. I have no doubt that there are many meritorious projects being planned. However, I believe we need this moratorium because of one overriding fact: This country has a huge Federal deficit which is threatening our future and our children's future, and the Federal building program—currently estimated at over $11 billion—has ignored the reality of that deficit for far too long. The Federal Government must understand what any household would have realized long ago: Our very high debt burden requires that we abandon—at least temporarily—our ambitious new building programs, and concentrate on what we already have.

By Mr. COHEN:

S. 1016. A bill to recognize grandparents who serve as the primary caregivers to their grandchildren and to provide assistance to such grandparents under certain programs; to the Committee on Finance.

GRANDPARENTS RAISING GRANDCHILDREN ACT OF 1993

Mr. COHEN. Mr. President, today I am pleased to offer the Grandparents Raising Grandchildren Act of 1993. This legislation recognizes the valuable contributions that millions of grandparents are making to keep the fabric of the American family together.

The legislation I am introducing today grew out of hearings held by the Senate Special Committee on Aging. Those hearings vividly illustrated that grandparents are being thrust into parenthood a second time around due to a variety of social ills this country is facing.

Drug and alcohol addiction, sexual and physical abuse, murder, crime, divorce, teenage pregnancy, and AIDS—these epidemics in our communities are crippling the American family and are forcing grandparents to pick up the pieces and raise a second generation. They are stepping forward to raise their grandchildren in order to keep their families together and to prevent the children from being thrust into the foster care system.

The grandparents we are focusing on today are not only faced with the financial demands of raising a second generation, but also are challenged by parenthood in ways inconceivable to many of us.

These grandparents must cope with the needs of drug-exposed infants, or children who bear the scars of physical or emotional abuse. At the hearing, for example, we heard the tragic account of a couple desperately seeking custody of their grandchildren who had witnessed the murder of their mother and aunt by their father.

The department of social services are unwilling to recognize these children's grandparents as appropriate caregivers and took this family on a 4-year journey of separation, accusations, and court battles. Because of the persistence and dedication of their grandparents, these children now reside in a loving, safe home and are receiving therapy to overcome the horror of their early childhood. The fact that it took 4 years of resources to finally place these children with their own family who wanted to care for them in the first place highlights how our Nation's child services system is either paralyzed of prejudice when it comes to recognizing the role of relatives as caregivers.

At times, these grandparents who step forth must juggle their own jobs with the responsibilities of parenting and child care. Older grandparents may have to cash in retirement savings and ignore their own health needs in order to provide for the children. In addition, some of these grandparents are caregivers for as many as four generations, as they balance responsibilities for their spouses, their children, their grandchildren, and even their own aging parents.

In testimony last year before the Special Committee on Aging, it was clear that many of the problems arise simply because Federal programs, State programs, and the private sector do not adequately recognize these grandparents as primary caregivers.

For example, many grandparents who cannot afford to take the expensive, permanent step of adoption, cannot obtain health insurance coverage for their grandchildren, and must struggle to obtain information on services available to them. Further, many grandchildren do not qualify for the same Social Security benefits to which stepchildren and other dependent children are entitled.

Mary Shaheen from Yarmouth, ME, provided another example when she testified that providing care for her grandson Nate has been a battle every step of the way. Even though she and her husband had raised Nate virtually his whole life, his enrollment in elementary school was denied since they were not his natural parents. Mrs. Shaheen had to spend thousands of dollars in legal fees to achieve guardianship of Nate so that he would be able to attend school. In addition, Mrs. Shaheen had to fight nonstop to finally get her company to provide health coverage for Nate. Most grandparents are not so successful in getting this coverage.

In addition to raising Nate, Mrs. Shaheen has sole caregiving responsibility for her 86-year-old aunt. In order to make ends meet, Mary Shaheen works two jobs and juggles her responsibilities. While this is not the way she envisioned her retirement years, Mrs. Shaheen insists that she would have never considered giving Nate up.

The legislation I am introducing today, seeks to ease the bureaucratic barriers faced by these grandparents. This legislation would allow eligible grandchildren to qualify for certain Social Security benefits, establish a model definition of dependency for health insurance coverage of grandchildren, and establish a National Grandparent Resource Center to act as an information clearinghouse to give information to grandparents on how to get help on legal matters as well as identify local support groups that can assist them.

This bill would also require the development of a model kin-notification provision for States to adopt when a child has been abandoned. Many grandparents are often unaware that their grandchildren have been turned over to the State, only to later find that it is too late to intervene on behalf of the grandchild. The model law I am proposing would establish a procedure that States could adopt that would require the State to make a reasonable attempt to notify the child's next to kin that the child has been abandoned by the natural parent.

Finally, this legislation would require the Census Bureau to collect statistically significant data on these skipped generation families, so that we will have a clearer sense of how many children are being raised by their grandparents.

We cannot afford to overlook this trend in the family structure. Many States have already begun to establish elaborate kinship care programs that recognize the important contributions of these grandparents in salvaging the family unit. Not only do these programs help the grandparents and children involved, but they are helping the system as well: The role that grandparents are playing in their grandchildren's lives is saving an already overburdened foster care program from collapse.

Mr. President, the pressure to reduce our massive Federal deficit pits group

against group for scarce social services. A grave consequence of this tension is to create intergenerational warfare, where many view senior citizens claiming portions of the budget at the expense of children, and vice versa.

This divisive attitude will ultimately work to the determent of both generations. Rather, we must seek ways to fashion policies that will mutually benefit, not divide, the old and the young of our Nation.

By correcting flaws in current laws and regulations in order to recognize grandparents as primary caregivers, we are helping both generations and strengthening the ties of the American family. I urge my colleagues to support this legislation.

By Mr. PRESSLER:

S. 1017. A bill to withhold all U.S. funds from the United Nations unless the United Nations carries out certain administrative and budgetary reforms; to the Committee on Foreign Relations.

S. 1018. A bill to amend the War Powers Resolution to require a cost assessment with respect to certain commitments of U.S. Armed Forces abroad; to the Committee on Foreign Relations.

S. 1019. A bill to require prior notification of the Congress of anticipated commitments of U.S. funds to U.N. peacekeeping activities in excess of available appropriations; to the Committee on Foreign Relations.

UNITED NATIONS REFORM LEGISLATION

Mr. PRESSLER. Mr. President, as a member of the U.S. Commission on Improving the Effectiveness of the United Nations, I met last week with several top U.N. officials including U.S. Ambassador Madeleine Albright, U.N. Secretary-General Boutros Boutros-Ghali, former U.N. Under Secretary-General for Management Dick Thornburgh, and others. In a series of meetings with these officials, the members of the Commission discussed the effectiveness of the international organization with respect to peacekeeping and peacemaking; global development; human rights protection; and budgetary management and reform. In September of this year, the Commission will report to Congress and the president with recommendations for U.N. reform.

U.N. reform is at the top of my agenda. Having served twice as a congressional delegate to the United Nations, I am all too familiar with the rampant waste, fraud, and abuse that have been characteristic of U.N. management. I am tired to hearing U.N. officials give lip service to reform while continuing to let fraudulent activities go unpunished. Secretary-General Boutros-Ghali has been unable or unwilling to take necessary corrective measures to end the fraudulent activities.

There are difficult tasks ahead for the United Nations and its member nations. From Somalia to Cambodia, U.N. personnel face difficult challenges. The human and material resources of the U.N. are being stretched to the limit. The efficacy of the U.N. system in maintaining world peace will depend largely on the commitment of the United Nations Under Secretary-General for Management. Former U.S. Attorney General Richard Thornburgh most recently served in this position. During his tenure, Mr. Thornburgh made U.N. reform a high priority. If reform is to continue within the U.N., it is imperative that a U.S. citizen who shares Mr. Thornburgh's commitment to reform be made an independent and permanent inspector general.

Mr. Thornburgh was among the officials who met with the Commissioners last week. He explained that rampant mismanagement and abuse continue to pervade the bureaucratic ranks of the United Nations. Mr. Thornburgh spoke of Mr. Boutros-Ghali's and others' unwillingness to examine fully his recent report on wasteful U.N. budget practices. Mr. Thornburgh claims that many top U.N. officials refused to even read his reform report. That is outrageous.

The United States has been the most consistent advocate for major U.N. reforms. Opposition to reform within the United Nations is very strong. During the Senate Foreign Relations Committee confirmation hearing for Madeleine Albright, I raised the issue of U.N. reform. According to her:

> Ultimately, the real drive for reform in any organization has to come from the top leadership. Of course, as the largest contributor, the United States has a significant interest in ensuring that the necessary U.N. reforms are achieved. We should, and do, use our influence toward this end.

While I agree wholeheartedly with Ambassador Albright's statement, the reform process has yet to begin.

I have witnessed abusive practices firsthand. It seems to me that fraud at the United Nations has become the rule—not the exception. When will the United Nations finally take corrective actions? If mismanagement continues, the efficiency and effectiveness of the United Nations will be further undermined.

Mr. President, I ask unanimous consent that the conclusion of Dick Thornburgh's report to U.N. Secretary-General Boutros-Ghali, the conclusion of the Paul Volcker and Shijuro Ogata report on U.N. financing, and a list of the participants at the meeting of members of the U.S. Commission on Improving the Effectiveness of the United Nations be printed in the RECORD immediately following my remarks.

It is no secret the United States pays the lion's share of the U.N. budget. With all of the resources the United States provides, our Nation deserves to play a leading role in the management of those resources. Why should the United States foot such a high percentage of U.N. bills without assurances that our money is not being spent fraudulently? This is a question we in Congress can answer.

Mr. President, today I am introducing three pieces of legislation that, directly and indirectly, can answer many of our concerns and lead to permanent changes in U.N. management—changes that would ensure reform becomes a top priority at the United Nations.

The first two bills are designed to achieve greater accountability for American taxpayer dollars for U.N. activities. The first would require the American Ambassador to the United Nations to notify Congress of U.N. Security Council actions that would commit an amount of U.S. funds above what has been appropriated for the current fiscal year. Each year, Congress appropriates funds to the United Nations. In some cases, increased U.N. involvement requires the United States to pay more than what we appropriated. Our U.N. representative, through her vote on the U.N. Security Council, can commit the United States to contribute funds in excess of what Congress has appropriated. Under my legislation, she would have to notify Congress before making that commitment.

The second bill would require the President to provide a cost assessment for any U.N. peacekeeping activity involving U.S. troops within 60 days of the troop authorization. However, this bill is not restricted to U.N. peacekeeping activities. It applies across the board to any U.S. troop involvement. As my colleagues know, I have expressed concern regarding our military involvement in Somalia. I supported the humanitarian effort, but I was opposed to the United States assuming the lion's share of the cost. With U.N. resources overextended around the globe, increased pressure may be brought on the United States to commit troops to U.N.-sponsored activities. My legislation would require the President to submit a cost assessment for any force commitment 60 days after our forces are committed to any hostile or nonhostile situation as defined in the War Powers Act.

The third and final bill I am introducing today goes to the heart of U.N. reform. I have called on the United Nations to appoint an independent and permanent inspector general. Many others in Congress have made similar demands. In fact, as I stated earlier, the United States has been the most vocal advocate of tough U.N. reforms, starting with the appointment of an inspector general. It is time the United States matched words with deeds. My legislation would do just that. My bill would withhold virtually all U.S. voluntary contributions to the United Nations unless the President can certify annually to Congress that—

A permanent U.N. inspector general is in place;

U.N. budgetary audits are being performed and examined; and

Corrective measures are taken to ensure compliance with the audits.

Mr. President, the United Nations must continue to reform as the new world order dynamically evolves. To succeed in the face of limited resources, budgetary, and bureaucratic reforms within the United Nations are necessary. Continued U.S. influence and pressure will be necessary to make the United Nations productive, efficient, and successful. I urge my colleagues to join me in applying that influence and pressure.

Mr. President, I send these bills to the desk and I ask unanimous consent that they be printed in an appropriate place in the RECORD.

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

S. 1017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of law or treaty, no United States funds shall be made available to the United Nations or any of its specialized agencies unless the President certifies to the Congress that—

(1)(A) the United Nations has established a permanent position of inspector general within its administrative staff;

(B) the United Nations inspector general has begun to carry out his duties; and

(2) the United Nations is conducting budgetary audits, reviewing those audits, and implementing corrective measures, if necessary.

S. 1018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4(b) of the War Powers Resolution (50 U.S.C. 1543(b)) is amended—

(1) by inserting "(1)" immediately after "(b)"; and

(2) by adding at the end the following new clause:

"(2) Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a), the President shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report setting forth a cost assessment of the continued involvement of the United States Armed Forces in the circumstances necessitating their introduction.".

(b) The amendment made by subsection (a) shall apply with respect to introductions of United States Armed Forces occurring on or after the date of enactment of this Act.

S. 1019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Permanent Representative to the United Nations shall, wherever practicable, notify the Congress in advance of any meeting of the United Nations Security Council held to decide whether to call upon the member countries of the United Nations to participate in international peacekeeping activities, if participation by the United States in such activities would require an obligation of funds in excess of amounts made available to the United Nations for the fiscal year.

REPORT TO THE SECRETARY GENERAL OF THE UNITED NATIONS BY DICK THORNBURGH, MARCH 1, 1993.

CONCLUSION

Of course, the effort to improve the administration and management of the United Nations is not an end in itself. But it is critical to ensuring that the United Nations maximize the use of the resources entrusted to it by the Member States to promote the goals enumerated in the Charter. At a time when the United Nations is called upon to play an ever more active role throughout the world, many of the administrative and management practices of the past 45 years are wholly inadequate to meet the demands of the current era. If initiatives to change and modernize these practices are not forthcoming, this Organization simply will not have the ability to meet its new responsibilities.

The course of restructuring and reform upon which you have called the United Nations to embark is a difficult one. It is, by definition, a dynamic and never-ending process and must be amenable to re-thinking and amendment as conditions change. It is inherently untidy and incapable of being "packaged" as a complete and final product at any one stage of its development. It is also bound to be opposed by powerful interests which have a special stake in the status quo. The success of such a comprehensive undertaking will depend equally upon the exercise of the necessary political will by Member States and the ingenuity and persistence of you and your team in the Secretariat.

If all those truly interested in a better organized and better operating United Nations are supportive of the types of efforts outlined herein, I believe significant positive change will be possible. The opportunity to achieve such change has never been greater and I wish you, my successor and my former colleagues every success in the continued pursuit of excellence within the Organization.

FINANCING AN EFFECTIVE UNITED NATIONS: A REPORT OF THE INDEPENDENT ADVISORY GROUP ON U.N. FINANCING, SHIJURO OGATA AND PAUL VOLCKER, CO-CHAIRMEN

CONCLUSION AND SUMMARY OF RECOMMENDATIONS

The advisory group has tried to address the problem of the U.N.'s financing in a practical and realistic way. Our recommendations are intended to provide more consistent and reliable funding of U.N. activities in the interest of the U.N.'s effectiveness, and to facilitate the work of the Secretary-General. They are also intended to make it easier for governments to meet their financial obligations to the U.N.

We have been impressed in particular by the contrast between the demands placed on the United Nations and the smallness and precariousness of its financial base. Any great political institution has to develop with the times, and that development often causes growing pains. In the post-cold war era, the United Nations is being asked to develop very fast and to take on vital responsibilities of a kind, and on a scale, undreamed of in its earlier years.

Many of the tasks the U.N. is now undertaking are pioneering efforts in new fields. They will set precedents for vital activities in the future. It is essential that the world organization have the financial backing, as well as the administrative and operational capacity, to make these efforts successful and workable models for the difficult years to come.

The U.N. remains the only existing framework for building the institutions of a global society. While practicing all the requisite managerial rigor and financial economy, it must have the resources—a pittance by comparison with our society's expenditures on arms—to serve the great objectives that are set forth in its Charter. Surely the world is ready for, and urgently in need of, a more effective United Nations.

Recommendations

Regular U.N. Budget

The division of U.N. expenditures into three categories—with the regular budget financed by assessed contributions, peacekeeping financed by a separate assessment, and humanitarian and development activities financed largely by voluntary contributions, is appropriate.

The consensus procedure for approving the regular budget should be continued in future years.

All countries must pay their assessed U.N. dues on time and in full. Countries with past arrears should pay them as quickly as possible. This responsibility is particularly great for the large contributors.

The U.N. should require its member states to pay their dues in four quarterly installments, instead of in a single lump sum at the beginning of the year.

The U.N. should be given authority to charge interest on late payments under the new quarterly schedule. Interest payments should be deposited in the Working Capital Fund.

In order to meet their treaty obligations, countries that appropriate their U.N. contribution late in the year should appropriate their regular U.N. dues earlier than they do at present, if necessary phasing this change in over several years.

When a reliable means to pay its bills is established, the U.N. should stop borrowing funds from its peacekeeping accounts to cover regular budget expenditures.

The level of the Working Capital Fund should be raised from $100 million to $200 million. The difference should be financed by a one-time assessment of $100 million.

The U.N. should speed replenishment of its depleted reserves by crediting budgetary surpluses owed to those member states with arrears to the Working Capital Fund.

The U.N. should not be given authority to borrow.

The regular budget assessment scale should be based on a three- rather than ten-year average of member states' GDP.

Peacekeeping

The international community should be prepared to accept significantly increased peacekeeping costs in the next few years.

Because peacekeeping is an investment in security, governments should consider financing its future cost from their national defense budgets.

The U.N. should create a revolving reserve fund for peacekeeping set at $400 million, financed by three annual assessments.

The Advisory Group would support a regular appropriation for peacekeeping training, at a level the U.N. considers appropriate to enable its staff and military contingents provided by member states to deal with the increasingly complex duties they are assigned.

The U.N. might consider the merits of a unified peacekeeping budget, financed by a single annual assessment.

The Secretary-General should be permitted to obligate up to 20 percent of the estimated cost of a peacekeeping operation once it is approved by the Security Council.

All member states with above average per capita GNP, except for the permanent members of the Security Council, should be included in Group B for the purposes of the peacekeeping assessment, under which they would pay the same rate of assessment for peacekeeping that they pay for the regular budget. This change should be phased in over several years.

Other Issues

In the interest of greater coordination and administrative responsibility, all U.N. programs that are currently funded by voluntary contributions alone should have their administrative expenditures financed by assessed contributions.

Voluntarily funded agencies should seek a larger portion of their funding from multi-year, negotiated pledges.

Current proposals for additional, nongovernmental sources of financing the U.N. are neither practical nor desirable. For now, the system of assessed and voluntary contributions provides the most logical and appropriate means of financing the U.N., as it permits governments to maintain proper control over the U.N.'s budget and its agenda.

U.S. COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

COMMISSIONERS ATTENDING, MAY 14, 1993

Amb. Charles M. Lichenstein—Co-Chair, Distinguished Fellow, The Heritage Foundation.

Gary E. MacDougal—Co-Treasurer, Honorary Chairman, Mark Controls Corporation.

Father Richard John Neuhaus, Institute on Religion and Public Life.

Harris O. Schoenberg—Secretary, Director, United Nations Affairs, B'nai B'rith International.

Ambassador Jose Sorzano, The Austin Group.

Senator Claiborne Pell.

Peter Leslie.

Jerome Shestack, Esq.

Walter Hoffmann—Co-Treasurer, Executive Director, World Federalist Association.

WITNESSES ATTENDING, MAY 14, 1993

Mr. Jan Eliasson, Under-Secretary-General for Humanitarian Affairs, United Nations.

Mr. Marrack Goulding, Under-Secretary-General for Political Affairs, United Nations.

Governor Richard Thornburgh.

The Honorable Madeleine Albright, U.S. Permanent Representative to the United Nations.

Ambassador Peter Osvald, Permanent Representative of Sweden to the United Nations.

Sir Brian Urquhart, Scholar-in-Residence, International Affairs Program, Ford Foundation.

By Mr. WOFFORD (for himself, Mr. KENNEDY, and Mr. KERRY):

S. 1020. A bill to promote economic growth and job creation in the United States by facilitating worker involvement in the development and implementation of advanced workplace technologies and advanced workplace practices and by identifying and disseminating information on best workplace practices; to the Committee on Labor and Human Resources.

WORKPLACE INNOVATION AMENDMENTS ACT OF 1993

• Mr. WOFFORD. Mr. President, earlier this year the President announced a new Federal role to advance our Nation's technological superiority and international economic competitiveness. He presented to the Nation an important change in course.

While we have been focused on winning the cold war and exploring space since World War II, our international economic competitors placed a priority on investing their public resources in commercially oriented activities. In the United States, we never made the economic competitiveness of American firms and workers a public priority. Commercial research and development efforts were supported through the Defense Department, NASA, and other agencies. These investments also contributed to the international competitive advantage held by U.S. firms and workers. But the commercial benefits of Federal policy were always indirect, beneficial byproducts rather than explicit objectives.

This lack of direct commercial involvement since World War II reflects the American people's ambivalence about the relationship between our Government and private commercial enterprise. They have reason to be skeptical. But the world economy has changed dramatically. And we can no longer afford to have our Government sit on the side lines while our international economic competitors are playing for keeps.

President Clinton recognized that the times demand a change and a new clarity in Federal policy. He is urging us to adopt policies to stimulate innovation that will increase our competitiveness and create jobs.

Let me be clear. The Federal Government should not displace the decisions of the marketplace. Private enterprise cannot be supplanted as the creator of economic growth and jobs. Federal policy must be supportive of the market by facilitating the development and dissemination of generic information and making sure that America pursues a high-growth, high-wage strategy.

President Clinton's vision is to create supportive Federal efforts. It is about improving the competitiveness of America's manufacturing industries and its workers. And the President's proposal recognizes that technology alone will not accomplish that goal. Throughout his vision is an understanding that concern for the human dimension of work—particularly work organization, management and human resource practices, and jobs—is essential for success.

Workplace organization is essential to economic performance. One need go no further than the example of Henry Ford and the success of Ford Motor Co. to understand the importance of workplace organization to economic growth. Henry Ford did not invent the car—he brought the mass production process to car manufacturing.

But the mass production system is being replaced by high performance work practices. These methods of work have been pioneered by Japanese and German firms and are a key to their economic competitiveness. Many American firms have implemented these high-performance systems with great success.

And those firms that ignored work organization and the human dimension of work when they have deployed high-technology machinery, have suffered. In fact, a recent Wall Street Journal reported one reason that certain companies were lagging behind was an overreliance on automation. The article reported on the experience of a Federal-Moqul plant in Lancaster, PA, that was revamped in 1987 with state-of-the-art automation. But costs did not go down and the automation reduced the plant's flexibility. To improve performance, the plant was revamped again and most robots and production-line computers were removed.

Of course not every firm has experienced such problems. But the point is that high-technology does not alone hold the answer for our Nation's future commercial competitiveness. I saw firsthand, as Pennsylvania's secretary of labor and industry, the problems that were created by failing to take workers and the work organization into account in efforts toward improvement.

As we consider legislation to implement the President's vision, we cannot forget the human element of the manufacturing process. Firms need to be encouraged to improve their work place practices—not just add machines.

We must make sure that any legislation: First, enables the Federal Government to help gather and promote the best practices in the use of technologies and associated work organizations; second, causes Government technology and training assistance to be diffused to firms in a coordinated manner; and, third, measures the success of Federal technology policies in human terms, including job creation and worker productivity.

The legislation I am introducing today, along with my colleagues, Senators KERRY and KENNEDY, would do just that. We are introducing two pieces of legislation to make sure that workers and work organization are taken into account in Federal efforts to improve the international competitiveness of American manufacturers.

The workplace innovation amendments, would amend the National Competitiveness Act of 1993, to help firms and workers, in a coordinated fashion, to take full advantage of advanced manufacturing technology, to improve productivity and quality, and to adopt high-performance work organizations. In addition, the amendments would help create quality job opportunities by promoting research in, and dissemination of, innovative workplace practices and promote labor-management cooperation.

The Workers Technology Skill Development Act would assist workers to become full partners in the planning and implementation of advanced workplace technologies and advanced workplace practices. It would authorize the Department of Labor to make grants to improve the ability to workers, their representatives and employers in these areas, and authorize the Department to identify, collect, and disseminate information on best workplace practices and workplace assessment tools.

I am pleased to join my colleagues from Massachusetts, Senators KERRY and KENNEDY in introducing this legislation. We have already been working with the chairman of the Senate Commerce Committee and the Departments of Commerce and Labor to have this legislation included in S. 4. For much as it will take cooperation between workers and management to improve a firm's competitiveness—it will take the cooperation of the various branches of Government to make sure that Federal efforts directed to improve our Nation's international competitiveness are effective.•

By Mr. INOUYE (for himself, Mr. BAUCUS, Mr. CAMPBELL, Mr. FEINGOLD, Mr. HATFIELD, Mr. PELL, and Mr. WELLSTONE):

S. 1021. A bill to assure religious freedom to native Americans; to the Committee on Indian Affairs.

NATIVE AMERICAN FREE EXERCISE OF RELIGION ACT OF 1993

Mr. INOUYE. Mr. President, I rise today to introduce legislation that is fundamental to the sovereignty of the Indians nations and which is in furtherance of the policy established in the Joint Resolution American Indian Religious Freedom enacted by Congress in 1978. For, Mr. President, what can be more fundamental to sovereignty than the free exercise of one's religion, one's culture, and one's traditions?

This measure is intended to address in a comprehensive way, the rights of native Americans to practice their traditional religions—a right that most Americans take for granted—a right that has been denied to this Nation's first Americans.

Religious freedom is fundamental to our way of life. It served as the genesis for the founding of our Nation. Religious freedom is critical and integral to our concept of individual liberty.

Sadly however, there has been a long history in this country, of Government suppression of traditional religions practices by native Americans that is unlike the manner in which any other religion in our Nation has been treated.

Mr. President, in 1978, Congress enacted the American Indian Religious Freedom Act (P.L. 95-341), in an effort to establish a policy that would reverse this deplorable treatment. With the passage of the act in 1978, it became the policy of the United States to protect and preserve the right of American Indian, Eskimo, Aleut, and native Hawaiian people to believe, express, and exercise their traditional religions. While it was the intention of the Congress to have these traditional religious practices protected, this desired result has not been accomplished.

Pursuant to the provisions of the act passed in 1978, in their actions, Federal agencies are required, by law, to respect the customs, ceremonies, and traditions of native American religions. The act provided that within 1 year of the law's enactment, Federal agencies would examine their policies and procedures, and work with Native traditional and tribal leaders to assure minimal interference with the religious practices of native people. In August 1979, the Federal Agencies Task Force charged with this responsibility submitted its report to Congress.

The report concluded that due to ignorance and attitudes, Federal policies and practices were directly or indirectly hostile toward native traditional religions or simply indifferent to their religious values. The report cited 522 specific examples of Government infringement upon the free exercise of traditional native American religious practices.

The report documented the widespread practice of denying native American people access to sacred sites on Federal land for the purpose of worship, and in cases where they did gain access, they were often disturbed during their worship by Federal officials and the public. In addition, some sacred sites were needlessly put to other uses which have desecrated them.

Native Americans have been denied the opportunity to gather natural substances which have a sacred or religious significance, and have been disturbed in their use of these natural substances. Finally, native American beliefs involving care and treatment for the dead have not been respected by public officials and restrictions have been imposed by public institutions, such as schools and prisons, on the rights of native Americans to practice their religious beliefs.

The report made 5 legislative proposals and 11 recommendations to the Congress for proposed uniform administrative procedures to correct and remove the identified barriers to Indian religious freedom. With the exception of one recommendation, which was partially addressed in the Native American Graves Protection and Repatriation Act regarding the theft and interstate transport of sacred objects, none of the proposals or recommendations have been acted upon.

Since the passage of the American Indian Religious Freedom Act in 1978, there have been a number of court rulings involving the rights of native Americans to engage in traditional religious practices. Two recent Supreme Court decisions have severely undermined the intent of the act and have denied protection under the first amendment for the unique and important religious beliefs of native Americans.

In 1988, in a case known as Lyng versus Northwest Indian Cemetery Association, the Supreme Court denied protection of a religious site on public land. In so doing, the Court also rejected the traditional first amendment test that the Government had to have a compelling interest to infringe upon the free exercise of religion.

In 1990, the Supreme Court in Employment Division versus Smith denied protection of a native American church practitioner fired from his job for using peyote during a native American religious ceremony. The Supreme Court's rulings in Lyng and Smith have significantly diminished constitutional and statutory protection of native American religious practices. Both of these decisions demonstrate that while the 1978 act is a sound statement of policy, it requires enforcement authority. That authority is addressed in the measure that I am introducing today.

Mr. President, the legislation reflects input from native Americans and affirmatively addresses specific religious concerns and beliefs central to their lives. The bill addresses native American religious freedom in four areas: First, the legislation provides protection of native American sacred sites and puts into place a mechanism for resolving disputes. Second, the legislation extends first amendment protection to native Americans for the sacramental use of peyote. Third, the legislation protects the rights of native prisoners to the same extent as prisoners of other religious faiths. Finally, the legislation facilitates native American access to and use of eagle feathers and plants for religious purposes.

Native Americans believe that certain locations are most sacred and believe that these sites should be protected. There are currently 44 sacred sites that are threatened by tourism, development, and resource exploitation. The sacramental use of peyote, which is central to the ceremonies of the Native American Church, is a crime punishable by law despite Drug Enforcement Agency exemptions for Native American Church members. Many native American prisoners are denied access to spiritual leaders, and denied the opportunity to practice their religion, despite the fact that other prisoners are consistently provided access to priests, ministers, rabbis, and other religious leaders. There are also prison requirements that conflict with native American religious customs. While eagle feathers and parts of other sacred plants and animals are sometimes used in religious ceremonies, native Americans face criminal prosecution if they are in pos-

session of eagle parts or feathers due to the Bald Eagle and Golden Eagle Protection Act. The legislation would permit use of lawfully obtained eagle feathers.

The bill will also provide clear, legally enforceable authority for the protection of the free exercise of native American religions.

I am pleased to note that the response of native peoples to this legislation has been very favorable. The committee has held six field hearings and the bill reflects many of the recommendations received at the hearings as well as other communications received by the committee from Indian tribes and native American organizations.

In addressing the many problems that face native American communities today, it is imperative that we should first address the issue of spirituality and tradition—the very soul of most native American communities. It is essential for native American people across this country to be free to practice their religious ceremonies and to preserve their values and traditions for future generations.

Mr. President, it is clear that there must be a rebalancing of governmental interests to assure the protection of the free exercise of native American religions. The legislation I am introducing today would create this new balance. The religious rights of native Americans have not been adequately protected or respected, and as the trustee of the native peoples of this land, I believe that it is incumbent upon the United States to correct this deficiency. I look forward to congressional attention to this important issues in the 103d Congress. I ask unanimous consent that the full text of 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. 1021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Native American Free Exercise of Religion Act of 1993".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Policy.
Sec. 3. Definitions.

TITLE I—PROTECTION OF SACRED SITES

Sec. 101. Findings.
Sec. 102. Federal land management; use and preservation.
Sec. 103. Notice.
Sec. 104. Consultation.
Sec. 105. Burden of proof.
Sec. 106. Tribal authority over Native American religious sites on Indian lands.
Sec. 107. Application of other laws.
Sec. 108. Confidentiality.
Sec. 109. Criminal sanctions.

TITLE II—TRADITIONAL USE OF PEYOTE

Sec. 201. Findings.
Sec. 202. Traditional use of peyote.

TITLE III—PRISONERS' RIGHTS

Sec. 301. Rights.

TITLE IV—RELIGIOUS USE OF EAGLES AND OTHER ANIMALS AND PLANTS

Sec. 401. Religious use of eagles.
Sec. 402. Other animals and plants.

TITLE V—JURISDICTION AND REMEDIES

Sec. 501. Jurisdiction and remedies.

TITLE VI—MISCELLANEOUS

Sec. 601. Savings clause.
Sec. 602. Severability.
Sec. 603. Authorization of appropriations.
Sec. 604. Effective date.

SEC. 2. POLICY.

It is the policy of the United States, in furtherance of the policy established in the joint resolution entitled "Joint Resolution American Indian Religious Freedom", approved August 11, 1978 (42 U.S.C. 1996), to protect and preserve the inherent right of any Native American to believe, express, and exercise his or her traditional religion, including, but not limited to, access to any Native American religious site, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) AGGRIEVED PARTY.—The term "aggrieved party" means any Native American practitioner, Native American traditional leader, Indian tribe, or Native Hawaiian organization as defined by this Act.

(2) FEDERAL AGENCY.—The term "Federal agency" means any department, agency, or instrumentality of the Federal Government.

(3) FEDERAL OR FEDERALLY ASSISTED UNDERTAKING.—The term "Federal or federally assisted undertaking" means any regulation relating to or any project, activity, or program pertaining to the management, use, or preservation of land (including continuing and new projects, activities, or programs) which is funded in whole or in part by, or under the direct or indirect jurisdiction of, a Federal agency, including—

(A) those carried out by or on behalf of the agency;

(B) those carried out with Federal financial assistance;

(C) those requiring a Federal permit, license or approval; and

(D) those subject to State regulation administered pursuant to a delegation or approval by a Federal agency.

The term "Federal or federally assisted undertakings" does not include regulations, projects, activities, or programs operated, approved, or sponsored by Indian tribes, including, but not limited to, those projects, activities, or programs which are funded in whole or in part by Federal funds pursuant to contract, grant or agreement, or which require Federal permits, licenses or approvals.

(4) GOVERNMENTAL AGENCY.—The term "governmental agency" means any agency, department, or instrumentality of—

(A) the United States; or

(B) a State, in the case of a Federal or federally assisted undertaking described in paragraph (3)(D).

The term "governmental agency" does not include an agency, department, or instrumentality of an Indian tribe.

(5) INDIAN.—The term "Indian" means—

(A) an individual of aboriginal ancestry who is a member of an Indian tribe,

(B) an individual who is an Alaska Native, or

(C) in the case of California Indians, an individual who meets the definition in section 809(b) of the Indian Health Care Improvement Act (25 U.S.C. 1679(b)), except that an Indian community need not be served by a local program of the Indian Health Service in order to qualify as an Indian community for purposes of this definition.

(6) INDIAN LANDS.—The term "Indian lands" means all lands within the limits of any Indian reservation; public domain Indian allotments; all other lands title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation; all dependent Indian communities; and all fee lands owned by an Indian tribe.

(7) INDIAN TRIBE.—The term "Indian tribe" means—

(A) any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians,

(B) any Indian group that has been formally recognized as an Indian tribe by a State legislature or by a State commission or similar organization legislatively vested with State tribal recognition authority,

(C) any Indian tribe whose federally recognized status has been terminated, and

(D) any non-federally recognized tribe that has—

(i) filed a petition for acknowledgement with the Branch of Federal Acknowledgement of the Bureau of Indian Affairs of the Department of the Interior or is the subject of pending legislation in the Congress seeking federally recognized status, and

(ii) is recognized as an Indian tribe by other Indian tribes, communities or groups.

The definition contained in subparagraph (D) shall not apply if the Department of the Interior has acted to deny such tribe's petition for acknowledgement and all appeals of the Department's determination have been exhausted and have been decided in support of the Department's determination.

(8) LAND.—The terms "land", "lands", or "public lands" mean surface and subsurface land within the jurisdiction of the United States or the respective States, including submerged land of any kind or interest therein and all water and waterways occupying, adjacent to, or running through the land.

(9) NATIVE AMERICAN.—The term "Native American" means any Indian or Native Hawaiian.

(10) NATIVE AMERICAN PRACTITIONER.—The term "Native American practitioner" means—

(A) any Native American who practices a Native American religion, or

(B) any Native Hawaiian with an obligation to protect a Native Hawaiian religious site, or any Native Hawaiian who practices a Native Hawaiian religion or engages in a Native Hawaiian ceremonial or ritual undertaking.

(11) NATIVE AMERICAN RELIGION.—The term "Native American religion" means any religion—

(A) which is practiced by Native Americans, and

(B) the origin and interpretation of which is from within a traditional Native American culture or community.

(12) NATIVE AMERICAN RELIGIOUS SITE.—The term "Native American religious site"

means any place or area, including, but not limited to, any geophysical or geographical area or feature—

(A) which is sacred to a Native American religion;

(B) where Native American practitioners are required by their religion to gather, harvest, or maintain natural substances or natural products for use in Native American religious ceremonies or rituals or for spiritual purposes, including all places or areas where such natural substances or products are located; or

(C) which is utilized by Native American religious practitioners for ceremonies, rituals, or other spiritual practices.

(13) NATIVE AMERICAN TRADITIONAL LEADER.—The term "Native American traditional leader" means any Native American who—

(A) is recognized by an Indian tribe, Native Hawaiian organization, or Native American traditional organization as being responsible for performing cultural duties relating to the ceremonial or religious traditions of the tribe or traditional organization, or

(B) exercises a leadership role in an Indian tribe, Native Hawaiian organization or Native American traditional organization based upon its cultural, ceremonial, or religious practices.

(14) NATIVE HAWAIIAN.—The term "Native Hawaiian" means any individual who is a descendant of the aboriginal Polynesian people who, prior to 1778, occupied and exercised sovereignty and self-determination in the area that now comprises the State of Hawaii.

(15) NATIVE HAWAIIAN ORGANIZATION.—The term "Native Hawaiian organization" means any organization which is composed primarily of Native Hawaiians, serves and represents the interests of Native Hawaiians and whose members—

(A) practice a Native American religion or conduct traditional ceremonial rituals, or

(B) utilize, preserve and protect Native American religious sites.

(16) STATE.—The term "State" means any State of the United States and any and all political subdivisions thereof.

TITLE I—PROTECTION OF SACRED SITES

SEC. 101. FINDINGS.

The Congress finds that—

(1) throughout American history, the free exercise of traditional Native American religions has been intruded upon, interfered with, and, in some instances, banned by the Federal Government and the devastating impact of these governmental actions continues to the present day;

(2) the religious practices of Native Americans are integral parts of their cultures, traditions and heritages and greatly enhance the vitality of Native American communities and tribes and the well-being of Native Americans in general;

(3) as part of its historic trust responsibility, the Federal Government has the obligation to enact enforceable Federal policies which will protect Native American community and tribal vitality and cultural integrity, and which will not inhibit or interfere with the free exercise of Native American religions;

(4) just as other religions consider certain sites in other parts of the world to be sacred, many Native American religions hold certain lands or natural formations in the United States to be sacred, and, in order for those sites to be in a condition appropriate for religious use, the physical environment, water, plants and animals associated with those sites must be protected;

(5) such Native American religious sites are an integral and vital part of, and inextricably intertwined with, many Native American religions and the religious practices associated with such religions, including the ceremonial use and gathering, harvesting, or maintaining of natural substances or natural products for those purposes;

(6) many of these Native American religious sites are found on lands which were part of the aboriginal territory of the Indians but which now are held by the Federal Government, or are the subject of Federal or federally assisted undertakings;

(7) lack of sensitivity to, or understanding of, Native American religions on the part of Federal agencies has resulted in the absence of a coherent policy for the protection of Native American religious sites and the failure by Federal agencies to consider the impacts of Federal and federally assisted undertakings upon Native American religious sites;

(8) the Supreme Court of the United States, in the case of Lyng v. Northwest Indian Cemetery Association, 485 U.S. 439 (1988) ruled that the free exercise clause of the First Amendment does not restrict the Government's management of its lands, even if certain governmental actions would infringe upon or destroy the ability to practice religion, so long as the Government's action does not compel individuals to act in a manner which is contrary to their religious beliefs;

(9) the holding in the case of Lyng v. Northwest Indian Cemetery Association creates a chilling and discriminatory effect on the free exercise of Native American religions;

(10) the Supreme Court of the United States, in the case of Employment Division v. Smith, 494 U.S. 872 (1990) extended the Lyng doctrine to all "valid and neutral laws of general applicability" not intended to specifically infringe upon religious practice and held that the First Amendment does not exempt practitioners who use peyote in Native American religious ceremonies from complying with "neutral" State laws prohibiting peyote use, notwithstanding the chilling effect of such laws upon their right to freely practice their religion;

(11) Native Hawaiians have distinct rights under Federal law as beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108) and the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4);

(12) the United States trust responsibility for lands set aside for the benefit of Native Hawaiians has never been extinguished;

(13) the Federal policy of self-determination and self-governance is recognized to extend to all Native Americans;

(14) Congress has enacted numerous laws which regulate and restrict the discretion of Federal agencies for the sake of environmental, historical, economic, and cultural concerns, but has never enacted a judicially enforceable law comparably restricting agency discretion for the sake of the site-specific requirements associated with the free exercise of Native American religions;

(15) the lack of a judicially enforceable Federal law and of a coherent Federal policy to accommodate the uniqueness of Native American religions imposes unique and unequal disadvantages on Native American religions, gravely restricting the free exercise of Native American religions and impairing the vitality of Native American communities and Indian tribes; and

(16) Congress has the authority to enact such a law pursuant to section 8, Article I, of the Constitution and the First and Fourteenth Amendments.

SEC. 102. FEDERAL LAND MANAGEMENT; USE AND PRESERVATION.

(a) IN GENERAL.—Notwithstanding any other provision of law each Federal agency shall manage any lands under its jurisdiction in a manner that complies with the provisions of this Act.

(b) PLANNING PROCESS.—Each Federal agency involved in Federal or federally assisted undertakings, including, but not limited to, activities pursuant to the National Forest Management Act (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.), shall as part of its planning process—

(1) consult with Indian tribes and Native Hawaiian organizations identified pursuant to section 103, as well as Native American traditional leaders who can be identified by the agency to have an interest in the land in question;

(2) provide for notice of all Federal or federally assisted undertakings with the potential to have an impact on certain specified lands to an Indian tribe, Native Hawaiian organization, or Native American traditional leader if such tribe, organization, or leader places the agency on notice, in writing, that it is interested in receiving notice of all such undertakings;

(3) ensure that its land management plans are consistent with the provisions and policies of this Act; and

(4) maintain the confidentiality of specific details of a Native American religion or the significance of a Native American religious site to that religion in accordance with the procedures specified in sections 107 and 108 of this Act.

(c) ACCESS.—

(1) IN GENERAL.—Unless the President determines that national security concerns are directly affected, in which case the provisions of section 105 shall apply, Native American practitioners shall be permitted access to Native American religious sites located on Federal lands at all times, including the right to gather, harvest, or maintain natural substances or natural products for Native American religious purposes.

(2) PROHIBITION AGAINST VEHICLES.—Paragraph (1) does not authorize the use of motorized vehicles or other forms of mechanized transport in roadless areas where such use is prohibited by law, nor affect the application of the Endangered Species Act, except as provided for by section 501(b) of this Act.

(3) TEMPORARY CLOSING.—Upon the request of an Indian tribe, Native Hawaiian organization, or Native American traditional leader, the Secretary of the department whose land is involved may from time to time temporarily close to general public use one or more specific portions of Federal land in order to protect the privacy of religious cultural activities in such areas by Native Americans. Any such closure shall be made so as to affect the smallest practicable area for the minimum period necessary for such purposes.

(d) REGULATIONS.—The Secretary of the Interior, in consultation with Indian tribes and Native Hawaiian organizations, shall promulgate uniform regulations relating to—

(1) Federal planning processes pertaining to the management, use or preservation of land; and

(2) notice to and consultation with Indian tribes, Native Hawaiian organizations, Native American traditional leaders and Native American practitioners as required by sections 103 and 104 of this Act.

The regulations shall be sufficiently flexible to enable consultation to meet the unique needs of Indian tribes, Native Hawaiian organizations, Native American traditional leaders and Native American practitioners.

SEC. 103. NOTICE.

(a) IDENTIFICATION OF LANDS BY SECRETARY.—

(1) IN GENERAL.—For the purpose of assuring that a governmental agency properly determines whether a proposed undertaking will have an impact on the exercise of a Native American religion and which affected parties should be provided notice of a proposed undertaking, the Secretary of the Interior, in conjunction with tribal governments, shall identify land areas with which an Indian tribe has aboriginal, historic, or religious ties.

(2) ONGOING IDENTIFICATION.—Paragraph (1) does not preclude a tribal government from continuing to conduct an ongoing identification process, which may supplement the process required by this subsection.

(b) DUTY OF AGENCIES.—

(1) TRIBAL LANDS.—Before a governmental agency proceeds on lands identified pursuant to subsection (a) with any Federal or federally assisted undertaking that may have an impact on the exercise of a Native American religion, the agency shall provide a geographical description of the lands affected by the undertaking (including information on metes and bounds of the lands in question, where available) and a description of the undertaking to—

(A) the Secretary of the Interior;

(B) each Indian tribe which has aboriginal, historic, or religious ties to the land affected by a proposed Federal or federally assisted undertaking; and

(C) each Native American traditional leader known by the agency who may have an interest in the land affected by the proposed undertaking.

(2) LANDS IN HAWAII.—Before a governmental agency proceeds on lands in the State of Hawaii with any Federal or federally assisted undertaking that may have an impact on the exercise of a Native American religion, the agency shall publish a geographical description of the lands affected by the undertaking (including information on metes and bounds of lands in question, where available) and a description of the undertaking in a newspaper of general circulation for a period of 2 weeks.

(3) DOCUMENTATION.—The governmental agency shall fully document the efforts made to provide the information to Indian tribes, Native Hawaiian organizations and Native American traditional leaders as required by this section or any applicable regulations, guidelines, or policies.

(c) NOTICE BY TRIBE.—

(1) IN GENERAL.—Within 90 days of receiving the notice provided under subsection (b), or within the time limit of any comment period permitted or required by any Federal law applicable to the Federal or federally assisted undertaking, whichever is later, an Indian tribe, Native Hawaiian organization, or Native American traditional leader invoking the protection of this title may provide notice to the governmental agency whether the proposed Federal or federally assisted undertaking may result in changes in the character or use of one or more Native American religious sites which are located on lands with which the Indian tribe or Native Hawaiian organization has aboriginal, historic, or religious ties.

(2) NO DUTY TO RESPOND.—Paragraph (1) does not impose a duty upon any Indian tribe, Native Hawaiian organization, or Native American traditional leader to respond to any notice under this section.

(3) ADDITIONAL INFORMATION.—The Indian tribe, Native Hawaiian organization, or Native American traditional leader acting pursuant to paragraph (1) may also provide the agency with information as to any Native American traditional leaders or practitioners who should be included in the notice and consultation requirements of this section and section 104.

(d) 90-DAY PROHIBITION AGAINST ACTIVITY FOLLOWING NOTICE TO TRIBES.—No action to approve, commence, or complete a Federal or federally assisted undertaking that is subject to this section shall be taken by a governmental agency for a period of 90 days following the date on which notice is provided under subsection (b) to Indian tribes and Native Hawaiian organizations unless or until—

(1) the matter is resolved pursuant to the procedures of this Act;

(2) the period of consultation required under section 104 has been completed; or

(3) all parties entitled to such notice consent to a shorter time period.

SEC. 104. CONSULTATION.

(a) IN GENERAL.—

(1) EFFECT OF NOTICE BY TRIBE.—If an Indian tribe, Native Hawaiian organization, or Native American traditional leader indicates in writing within 90 days of receiving notice under section 102, or within the time limit of any comment period permitted or required by any Federal law applicable to the Federal or federally assisted undertaking, whichever is later, that a Federal or federally assisted undertaking will or may alter or disturb the integrity of Native American religious sites or the sanctity thereof, or interfere with the access thereto, or adversely impact upon the exercise of a Native American religion or the conduct of a Native American religious practice, except as provided in paragraph (2), the governmental agency engaged in the Federal or federally assisted undertaking shall immediately discontinue such undertaking until the agency performs the duties described in paragraphs (3) and (4).

(2) INADVERTENT DISCOVERY.—If in the process of a Federal or federally assisted undertaking, a Native American religious site is inadvertently discovered, the governmental agency engaged in the undertaking shall immediately discontinue such undertaking until the agency performs the duties set forth in paragraphs (3) and (4).

(3) CONSULTATION.—The governmental agency shall consult with any interested party, including Native American practitioners with a direct interest in the Native American religious site in question, concerning the nature of the adverse impact and alternatives that would minimize or prevent an adverse impact, including any alternatives identified by an Indian tribe, Native Hawaiian organization, or Native American traditional leader that has filed a written objection under this subsection.

(4) EVALUATION OF COMMENTS.—The governmental agency shall prepare and make available to the tribe, organization or traditional leader, as well as Native American practitioners who have been involved in the consultation process, a document evaluating and responding to the comments received. The document shall include an analysis of adverse impacts upon the site and the use thereof and an analysis of alternatives to the proposed action, including any alternative offered by an Indian tribe, Native Hawaiian organization, or Native American traditional leader submitting a written objection under paragraph (1) and a no action alternative.

(5) ADDITIONAL INFORMATION.—In any case where the governmental agency is also required to prepare a document analyzing the impact of its undertaking or decision pursuant to the National Environmental Policy Act (43 U.S.C 4321 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.) or any other applicable law, such agency shall incorporate the analysis required by this section into the contents of the document.

(b) CASES WHERE SECRECY IS REQUIRED.—

(1) IN GENERAL.—In the case of those Indian tribes whose traditional religious tenets prohibit disclosure of information concerning their Native American religious sites or religious beliefs or practices, and mandate secrecy and internal sanctions to enforce those prohibitions, and where the tribal government of the affected Indian tribe so certifies and invokes this subsection—

(A) the tribal government shall not be required to reveal the location of the Native American religious site or in what manner the undertaking would have an impact on the site or any information concerning their religious beliefs or practices;

(B) the tribal government shall not be required to explain in what manner any proposed alternative is or is not less intrusive upon the adversely affected Native American religious practice or religious sites which may be adversely affected than the original proposed Federal or federally assisted undertaking; and

(C) in engaging in consultation and preparing any document required by this Act, the governmental agency shall not include an analysis of adverse impacts upon the site or the use thereof or the Indian tribe's religious beliefs and practices.

(2) AFTER CONSULTATION.—If after consultation—

(A) the governmental agency agrees to pursue a less intrusive alternative proposed by the Indian tribe or some other alternative which the Indian tribe agrees would be less intrusive; or

(B) if no alternative is identified which the Indian tribe agrees is less intrusive;

the governmental agency shall be deemed to have met its obligation to consider and pursue the least intrusive alternative under this Act in regard to the objection raised to the Federal or federally assisted undertaking by the Indian tribe invoking this subsection.

(c) RULE OF CONSTRUCTION.—Where the provisions of subsection (b) have been invoked, those requirements shall control in all circumstances and shall supersede any conflicting provisions in this Act or any other provision of law.

(d) DISCLOSURE REQUIRED.—Within 30 days of receipt of any written objection under subsection (a), the governmental agency proposing the Federal or federally assisted undertaking which gave rise to that notice shall disclose to and shall make available to the objecting party, all plats, maps, plans, specifications, socioeconomic, environmental, scientific, archaeological or historical studies, and comments and information in that agency's possession bearing on said undertaking.

(e) SPECIAL RULE FOR PUEBLOS REGARDING STANDING.—In the case of a proposed Federal or federally assisted undertaking affecting the management, use, or preservation of public land involving potential adverse religious impacts on any of the Indian pueblos of New Mexico or any of their religious sites, the only party with standing to file an objection or participate in consultation under this section, or to file an action under section 105 or

501, shall be the governor of the affected pueblo or the governor's designee.

SEC. 105. BURDEN OF PROOF.

(a) IN GENERAL.—

(1) BURDEN ON AGGRIEVED PARTY.—Except as provided in subsection (b), in any action brought under section 501(a), the aggrieved party shall have the burden of proving that the Federal or federally assisted undertaking or the State action having an impact upon the management, use, or preservation of public land, is posing or will pose a substantial threat of undermining or frustrating a Native American religion or a Native American religious practice.

(2) BURDEN ON AGENCY.—If the aggrieved party meets its burden of proof under paragraph (1), the Federal agency or State shall have the burden of proving that the governmental interest in the Federal or federally assisted undertaking or the State action is compelling.

(3) LEAST INTRUSIVE COURSE OF ACTION.—If the aggrieved party fails to meet its burden of proof under paragraph (1), but establishes that the Federal or federally assisted undertaking or the State action will alter or disturb the integrity of a Native American religious site or the sanctity thereof, or will have an adverse impact upon the exercise of a Native American religion or the conduct of a Native American religious practice, or if the Federal agency or State meets its burden of proof in paragraph (2), the Federal agency or State shall have the burden of proving that it has selected the course of action least intrusive on the Native American religious site or the Native American religion or religious practice.

(b) CASES WHERE SECRECY IS REQUIRED.—In the case of any proceeding involving a Native American religious site or associated religious practices of an Indian tribe described in section 104(b), if the Indian tribe objects to the Federal or federally assisted undertaking or State action based upon any of the grounds specified in section 104(a), the provisions of section 104(b) shall apply and the Federal agency or State shall have the burden of proving that—

(1) it has a compelling interest in pursuing the Federal or federally assisted undertaking or the State action as originally proposed;

(2) it is essential that the Federal agency's or State's compelling interest be furthered as originally proposed; and

(3) none of the less intrusive alternatives (if any) identified in the consultation process, or by the Indian tribe, will adequately advance that compelling governmental interest.

The Federal agency or State shall retain this burden of proof at all stages of any proceeding or decisionmaking process involving an Indian tribe described in section 104(b) as to objections raised by that Indian tribe.

(c) FAILURE OF AGENCY TO MEET BURDEN.—If a Federal agency or State does not meet its burden of proof under this section, it shall not proceed with the proposed undertaking. For purposes of this section and section 501, the phrase "burden of proof" means the burden of production and the burden of persuasion.

(d) ESTABLISHMENT OF ADMINISTRATIVE PROCEDURE.—

(1) IN GENERAL.—A Federal agency may, by regulation, establish an administrative procedure to implement the requirements of this section.

(2) EXHAUSTION REQUIREMENT.—An aggrieved party must use a procedure established under paragraph (1) before filing an action in a Federal court pursuant to section 501(a).

(3) NEW FACTUAL FINDINGS.—If an action is filed in Federal court after exhaustion of administrative remedies, the court shall not defer to the factual findings of the Federal agency, but shall make its own factual findings based upon the record compiled by the Federal agency as well as other evidence that may be permitted by the court under Federal law.

SEC. 106. TRIBAL AUTHORITY OVER NATIVE AMERICAN RELIGIOUS SITES ON INDIAN LANDS.

(a) RIGHT OF TRIBE.—All Federal or federally assisted undertakings on Indian lands which may result in changes in the character or use of a Native American religious site or which may have an impact on access to a Native American religious site shall, unless requested otherwise by the Indian tribe on whose lands the undertakings will take place, be conducted in conformance with the laws or customs of the tribe.

(b) AGREEMENTS.—Any governmental agency proposing a Federal or federally assisted undertaking on Indian lands which may result in changes in the character or use of a Native American religious site or which may have an impact upon access to a Native American religious site, may enter into an agreement with the Indian tribe on whose lands the undertaking will take place for purposes of assuring conformance with the laws or customs of the tribe.

(c) PROTECTION BY TRIBES.—Indian tribes may regulate and protect Native American religious sites located on Indian lands.

(d) OTHER AUTHORITIES.—

(1) SOVEREIGN AUTHORITY OF TRIBES.—The provisions of this section are in addition to and not in lieu of the inherent sovereign authority of Indian tribes to regulate and protect Native American religious sites located on Indian lands.

(2) NATIONAL SECURITY.—The provisions of this section shall not apply if the President determines that national security concerns are directly affected by a Federal or federally assisted undertaking.

(3) DUTY TO NOTIFY.—This section does not relieve a governmental agency of any duty pursuant to section 103 to notify an Indian tribe of a Federal or federally assisted undertaking on Indian lands which may result in changes in the character or use of a Native American religious site.

SEC. 107. APPLICATION OF OTHER LAWS.

(a) IN GENERAL.—Nothing in this title shall be construed to deprive any person or entity of any other rights which might be provided under the laws, regulations, guidelines, or policies of the Federal, State, and tribal governments, including but not limited to the National Historic Preservation Act (16 U.S.C. 470 et seq.), to receive notice of, comment upon, or otherwise participate in the decisionmaking process regarding a Federal or federally assisted undertaking.

(b) EXISTING PROCEDURES.—To the maximum extent possible, the procedures required by this Act shall be incorporated into existing procedures applicable to the management of Federal lands and decisionmaking processes of Federal agencies engaged in Federal or federally assisted undertakings.

SEC. 108. CONFIDENTIALITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, whenever information has been obtained as a result of or in connection with a proceeding pursuant to section 105 or 501 or consultation pursuant to sections 102 and 104, all references pertaining to—

(1) specific details of a Native American religion or the significance of a Native American religious site to that religion; or

(2) the location of that religious site;

shall be deleted from the record of a Federal agency or court before the record is released to any party or the general public pursuant to the Freedom of Information Act (5 U.S.C. 552) or any other applicable law.

(b) SUPPLEMENTATION OF RECORD.—The agency or court shall supplement the record described in subsection (a) to include the general results and conclusions of the administrative or judicial review to the extent necessary to provide other interested parties with sufficient information to understand the nature of, and basis for, a decision by the Federal agency or court.

(c) EXCEPTIONS.—This section shall not apply—

(1) where all parties to a proceeding (excluding the Federal Government) waive its application, and

(2) in case of a Native Hawaiian religious site, where the information is sought by a Native Hawaiian organization for the purpose of protecting such site.

(d) OTHER LAW.—Indian tribes, Native Hawaiian organizations, Native American traditional leaders, and Native American practitioners seeking to maintain the confidentiality of information relating to Native American religious sites may also seek redress through existing laws requiring that certain information be withheld from the public, including, but not limited to the National Historic Preservation Act (16 U.S.C. 470w-3) and the Archaeological Resources Protection Act (16 U.S.C. huh).

SEC. 109. CRIMINAL SANCTIONS.

(a) DAMAGING RELIGIOUS SITES.—

(1) INITIAL VIOLATION.—Any person who knowingly damages or defaces a known Native American religious site located on Federal land, except as part of an approved Federal or federally assisted undertaking or an action authorized by a governmental agency with the authority to approve such activity, shall, upon conviction, be fined not more than $10,000, or imprisoned not more than 1 year, or both.

(2) SUBSEQUENT VIOLATIONS.—In the case of a second or subsequent violation, a person shall be fined not more than $100,000, or imprisoned not more than 5 years, or both.

(b) RELEASE OF INFORMATION.—

(1) INITIAL VIOLATION.—Any person who knowingly releases any information required to be held confidential pursuant to this title shall, upon conviction, be fined not more than $10,000, or imprisoned not more than 1 year, or both.

(2) SUBSEQUENT VIOLATIONS.—In the case of a second or subsequent violation, be fined not more than $100,000, or imprisoned not more than 5 years, or both.

TITLE II—TRADITIONAL USE OF PEYOTE

SEC. 201. FINDINGS.

The Congress finds that—

(1) some Indian people have used the peyote cactus in religious ceremonies for sacramental and healing purposes for many generations, and such uses have been significant in perpetuating Indian tribes and cultures by promoting and strengthening the unique cultural cohesiveness of Indian tribes;

(2) since 1965, this religious ceremonial use of peyote by Indians has been protected by Federal regulation, which exempts such use from Federal laws governing controlled substances, and the Drug Enforcement Administration has manifested its continuing support of this Federal regulatory system;

(3) the State of Texas encompasses virtually the sole area in the United States in which peyote grows, and for many years has administered an effective regulatory system

which limits the distribution of peyote to Indians for ceremonial purposes;

(4) while numerous States have enacted a variety of laws which protect the ceremonial use of peyote by Indians, many others have not, and this lack of uniformity has created hardships for Indian people who participate in such ceremonies;

(5) the traditional ceremonial use by Indians of the peyote cactus is integral to a way of life that plays a significant role in combating the scourge of alcohol and drug abuse among some Indian people;

(6) the United States has a unique and special historic trust responsibility for the protection and preservation of Indian tribes and cultures, and the duty to protect the continuing cultural cohesiveness and integrity of Indian tribes and cultures;

(7) it is the duty of the United States to protect and preserve tribal values and standards through its special historic trust responsibility to Indian tribes and cultures;

(8) existing Federal and State laws, regulations and judicial decisions are inadequate to fully protect the ongoing traditional uses of the peyote cactus in Indian ceremonies;

(9) general prohibitions against the abusive use of peyote, without an exception for the bona fide religious use of peyote by Indians, lead to discrimination against Indians by reason of their religious beliefs and practices; and

(10) as applied to the traditional use of peyote for religious purposes by Indians, otherwise neutral laws and regulations may serve to stigmatize and marginalize Indian tribes and cultures and increase the risk that they will be exposed to discriminatory treatment.

SEC. 202. TRADITIONAL USE OF PEYOTE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the use, possession, or transportation by an Indian of peyote for bona fide ceremonial purposes in connection with the practice of a Native American religion by an Indian is lawful and shall not be prohibited by the Federal Government or any State. No Indian shall be penalized or discriminated against on the basis of such use, possession or transportation, including, but not limited to, denial of otherwise applicable benefits under public assistance programs.

(b) REGULATION AUTHORIZED.—This section does not prohibit such reasonable regulation and registration of those persons who import, cultivate, harvest or distribute peyote as may be consistent with the purpose of this title.

(c) TEXAS LAW.—This section does not prohibit application of the provisions of section 481.111(a) of Vernon's Texas Code Annotated, in effect on the date of enactment of this Act, insofar as those provisions pertain to the cultivation, harvest or distribution of peyote.

TITLE III—PRISONERS' RIGHTS

SEC. 301. RIGHTS.

(a) IN GENERAL.—

(1) ACCESS.—Notwithstanding any other provision of law, Native American prisoners who practice a Native American religion shall have, on a regular basis comparable to that access afforded prisoners who practice Judeo-Christian religions, access to—

(A) Native American traditional leaders who shall be afforded the same status, rights and privileges as religious leaders of Judeo-Christian faiths;

(B) subject to paragraph (6), items and materials utilized in religious ceremonies; and

(C) Native American religious facilities.

(2) MATERIALS.—Items and materials utilized in religious ceremonies are those items and materials, including foods for religious diets, identified by a Native American traditional leader. Prison authorities shall treat these items in the same manner as the religious items and materials utilized in ceremonies of the Judeo-Christian faith.

(3) HAIR.—

(A) RIGHT OF PRISONER.—Except in those circumstances where subparagraph (B) applies, Native American prisoners who desire to wear their hair according to the religious customs of their Indian tribes may do so provided that the prisoner demonstrates that—

(i) the practice is rooted in Native American religious beliefs; and

(ii) these beliefs are sincerely held by the Native American prisoner.

(B) DENIAL OF REQUEST.—If a Native American prisoner satisfies the criteria in paragraph (3)(A), the prison authorities may deny such request only where they can demonstrate that the legitimate institutional needs of the prison cannot be met by viable less restrictive means which would not create an undue administrative burden.

(4) DEFINITION OF "RELIGIOUS FACILITIES".—The term "religious facilities" includes sweat lodges, teepees, and access to other secure, out-of-doors locations within prison grounds if such facilities are identified by a Native American traditional leader to facilitate a religious ceremony.

(5) DISCRIMINATION PROHIBITED.—No Native American prisoner shall be penalized or discriminated against on the basis of Native American religious practices, and all prison and parole benefits or privileges extended to prisoners for engaging in religious activity shall be afforded to Native American prisoners who participate in Native American religious practices.

(6) SCOPE OF SUBSECTION.—Paragraph (1) shall not be construed as requiring prison authorities to permit (nor prohibit them from permitting) access to peyote or Native American religious sites.

(b) COMMISSION TO INVESTIGATE RELIGIOUS FREEDOM.—

(1) IN GENERAL.—The Attorney General shall establish the Commission on the Religious Freedom of Native American Prisoners (hereafter in this section referred to as the "Commission") to investigate the conditions of Native American prisoners in the Federal and State prison systems with respect to the free exercise of Native American religions.

(2) REPORT.—Not later than 36 months after the date of enactment of this Act, the Commission shall submit to the Attorney General and the Congress a report containing—

(A) an institution-by-institution assessment of the recognition, protection, and enforcement of the rights of Native American prisoners to practice their religions under this Act; and

(B) specific recommendations for the promulgation of regulations to implement this Act.

(3) COMPOSITION OF COMMISSION.—The Commission shall consist of 5 members, at least 3 of whom shall be Native Americans and—

(A) at least 1 of whom shall be a Native American traditional leader;

(B) at least 1 of whom shall be a Native American ex-offender; and

(C) at least 1 of whom shall be a Native American woman.

(4) NOMINATIONS.—The Native American members selected under paragraph (2) shall be appointed from nominations submitted by Indian tribes, Native Hawaiian organizations and Native American traditional leaders.

(5) CHAIRPERSON.—The Commission shall select 1 of its members to serve as Chairperson.

(6) COMPENSATION.—Each member of the Commission who is not a Federal employee shall be compensated at a rate equal to the daily equivalent of that prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. All members of the Commission while away from home or their place of business, in the performance of the duties of the Commission, shall be allowed travel and other related expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government services are allowed expenses under section 5703 of title 5, United States Code.

(7) STAFF.—The Commission may hire, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay without regard to the provisions of chapter 51, and subchapter III of chapter 52 of such title relating to classification and General Schedule pay rates, such staff as necessary to fulfill its duties under this section. In addition, the Commission may request any Federal department or agency to make available to the Commission personnel on a nonreimbursable basis, to assist the Commission in fulfilling such duties.

(8) TERMINATION.—The Commission shall cease to exist upon the expiration of the 60-day period following the date of submission of its report to the Congress.

TITLE IV—RELIGIOUS USE OF EAGLES AND OTHER ANIMALS AND PLANTS

SEC. 401. RELIGIOUS USE OF EAGLES.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service (hereafter in this section referred to as the "Director") shall, in consultation with Indian tribes and Native American traditional leaders, develop a plan to—

(1) ensure the prompt disbursement from Federal repositories of available bald or golden eagles, or their parts, nests, or eggs for the religious use of Indians upon receipt of an application from a Native American practitioner;

(2) provide that sufficient numbers of bald or golden eagles are allocated to Native American practitioners to meet the demonstrated need where they are available by reason of accidental deaths, natural deaths, or takings permitted by Federal law; and

(3) simplify and shorten the process by which permits are authorized for the taking, possession, and transportation of bald or golden eagles, or their parts, nests, or eggs for the religious use of Indians.

(b) CONSULTATION WITH REGIONAL ADVISORY COUNCILS.—In developing the plan required by subsection (a), the Director shall consult with the Regional Advisory Councils established pursuant to subsection (c) to determine whether these goals might best be met by decentralizing the system for the disbursement of bald or golden eagles or their parts, nests, or eggs for Native American religious purposes.

(c) REGIONAL ADVISORY COUNCILS.—

(1) ESTABLISHMENT.—Within 120 days after the date of enactment of this Act, the Regional Directors of the United States Fish and Wildlife Service shall establish Regional Advisory Councils.

(2) COMPOSITION.—Each Regional Advisory Council shall consist of 3 Native American traditional leaders appointed by each Regional Director of the United States Fish and Wildlife Service from nominations sub-

mitted by Indian tribes and Native American traditional leaders located within the region.

(3) DUTIES.—The Regional Directors and the Regional Advisory Councils, in consultation with Indian tribes and Native American traditional leaders, shall—

(A) develop a plan to—

(i) ensure that all bald and golden eagles and their parts, nests, or eggs which are recovered within the region are promptly transmitted to and collected by the United States Fish and Wildlife Service and made available for distribution as provided by law and consistent with the plan developed by the Director pursuant to subsection (a); and

(ii) expedite the review and approval of permit applications at each regional level;

(B) consult with the Director regarding the advisability of decentralizing the distribution system; and

(C) monitor the operation of the collection, permit, and, if applicable, the distribution system at the regional level.

(4) COMPENSATION.—Members of the Regional Advisory Councils established under paragraph (1) of this section shall serve without pay, but shall be reimbursed at a rate equal to the daily rate for GS-18 of the General Schedule for each day (including travel time) for which the member is actually engaged in council business. Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(d) TRIBAL LAW.—If bald or golden eagles or their parts, nests, or eggs are discovered on Indian lands and the Indian tribe on whose land the eagles or their parts, nests, or eggs were discovered has established or establishes, by tribal law or custom, a procedure for—

(1) issuance of tribal permits to Native American practitioners, and

(2) distribution of bald or golden eagles or their parts, nests, or eggs in accordance with tribal religious custom,

the Indian tribe may distribute said bald or golden eagles or their parts, nests, or eggs to Native American practitioners in accordance with such tribal law or custom.

(e) SCOPE OF SUBSECTION (d).—Subsection (d) applies only to eagles which have died by reason of accidental deaths or natural deaths and does not authorize the taking of live eagles which, subject to standards established in section 501(b), shall continue to be governed by regulations promulgated by the United States Fish and Wildlife Service. An Indian tribe under subsection (d) shall provide an annual report by March 31 of each year to the United States Fish and Wildlife Service summarizing the number and type of bald and golden eagles and their parts, nests, and eggs that have been discovered and distributed during the previous calendar year.

SEC. 402. OTHER ANIMALS AND PLANTS.

(a) PLAN.—Within 1 year after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service shall, in consultation with Indian tribes and Native American traditional leaders, develop a plan to implement the recommendations of the President's 1979 American Indian Religious Freedom Task Force Report regarding the disposition of surplus plant and animal products by Federal agencies.

(b) ASSESSMENT.—In developing this plan, the Director shall—

(1) assess the availability of surplus animals, plants or parts from Federal agencies;

(2) determine whether there is a need for such parts for religious purposes by Native American practitioners; and

(3) evaluate the feasibility of developing a joint uniform set of regulations to govern the disposition of surplus animals, plants or parts which have been confiscated or gathered under the jurisdiction and control of Federal agencies.

TITLE V—JURISDICTION AND REMEDIES

SEC. 501. JURISDICTION AND REMEDIES.

(a) IN GENERAL.—Any appropriate United States district court shall have original jurisdiction over a civil action for equitable or other relief, including damages, brought by an aggrieved party against the United States or a State to enforce the provisions of this Act.

(b) BURDEN OF PROOF.—

(1) IN GENERAL.—Except as provided in titles I through III, if an aggrieved party meets the burden of proving that a governmental action restricts or would restrict the practitioner's free exercise of religion, the governmental authority shall refrain from such action unless it can demonstrate that application of the restriction to the practitioner is essential to further a compelling governmental interest and the application is the least restrictive means of furthering that compelling governmental interest.

(2) SPECIAL RULE FOR NATIVE AMERICAN PRACTITIONERS.—The burden of proof for a Native American practitioner is a showing of any evidence that a restriction upon the practitioner's free exercise of religion exists as a result of Federal or State action. Native American practitioners may elect to provide testimony about their beliefs in camera or in some other protective procedure.

(c) ATTORNEY'S FEES.—An aggrieved party who is a prevailing party in any administrative or judicial proceeding brought pursuant to this Act shall be entitled to attorney's fees, expert witness fees, and costs under the provisions of section 504 of title 5, United States Code, and section 2412 of title 28, United States Code.

TITLE VI—MISCELLANEOUS

SEC. 601. SAVINGS CLAUSE.

Nothing in this Act shall be construed as abrogating, diminishing, or otherwise affecting—

(1) the inherent rights of any Indian tribe;

(2) the rights, express or implicit, of any Indian tribe which exist under treaties, Executive Orders and laws of the United States; and

(3) the inherent right of Native Americans to practice their religions.

SEC. 602. SEVERABILITY.

If any title or section of this Act, or any provision or portion thereof, is declared to be unconstitutional, invalid, or inoperative in whole or in part, by a court of competent jurisdiction, such title, section, provision or portion thereof shall, to the extent it is not unconstitutional, invalid, or inoperative, be enforced and effectuated, and no such determination shall be deemed to invalidate or make ineffectual the remaining provisions of the title, section, or provision.

SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 604. EFFECTIVE DATE.

This Act takes effect on the date of its enactment. Application and enforcement of this Act does not depend upon the promulgation of regulations by any governmental agency.●

Mr. HATFIELD. Mr. President, I am pleased today to cosponsor the Native American Free Exercise of Religion Act of 1993. Earlier this year, I rejoined the Committee on Indian Affairs after having served on the committee in the 95th and 96th Congresses. I am very much looking forward to working again on such important issues as religious freedom with Chairman INOUYE, Vice Chairman MCCAIN, and the many other distinguished members of the committee.

The issue addressed by the Native American Free Exercise of Religion Act drives to the very heart of what this country should, and indeed does, represent to other nations all around the globe. The protection that we afford the free exercise of religion stands as a sterling example to the rest of the world of what a free thinking society must demand of its government.

As Americans, most of us take these religious freedoms for granted. We grow up worshipping every week or every day without thinking about the daily persecution that our ancestors suffered before coming to this great land. Continuing from the colonial period through today, there has been a constant flow of people into this country who have found refuge in the great ideals of those who founded this new concept of freedom.

But, just as the first amendment was created by the Founding Fathers to protect themselves and their posterity from persecution as suffered in Europe, so must it continue to protect the free exercise of religion for those Americans whose ancestors were already on this land when our new Nation was formed. The rich diversity that we enjoy in this country demands that practices which are an integral part of a culture, tradition, and heritage be protected.

As of late, some question has arisen regarding this country's commitment to protecting the free exercise of religion for all Americans. This is especially evident in some recent decisions of the Supreme Court. In my home State of Oregon, we are very familiar with one of the cases, *Employment Division* v. *Smith*, 494 U.S. 872 (1990). In this instance the court held that an Oregon State law of general affect could abridge the free practice of religious rituals such as use of peyote by bona fide members of the Native American Church.

I have also cosponsored the Religious Freedom Restoration Act which would return the law to pre-Smith status. And while I believe that the impact of this debate reaches far beyond any particular religion, I believe that the specific provisions in the Native American Free Exercise of Religion Act addressing the Smith decision are needed to ensure protection for native American practices.

In addition, it is important that another decision, *Lyng* v. *Northwest Indian Cemetery Association*, 485 U.S. 439 (1988), not be allowed to continue to

deny native American input into Government actions that might affect historically sacred sites. These lands and natural formations are integral to the exercise of many native American religious ceremonies involving the physical environment, water, plants, and animals associated with those sites.

Similarly, it is only fitting that native American prisoners who practice a native American religion should have access to traditional leaders and facilities comparable to the access afforded prisoners who practice Judeo-Christian religions. However, it is reasonable to place certain limits on these freedoms such as allowing prison authorities to deny prisoners access to peyote and religious sites.

These examples of issues addressed by the Native American Free Exercise of Religion Act illuminate the very essence of the words of the first amendment. More than just a long set of clauses in an aged document, these words constitute an assurance of freedom granted by the Government to all people. No one religion is above any other; no philosophy reigns supreme. As Americans, each of us is assured protection, within reasonable boundaries, to practice our sincerely held religious faiths as we believe. Almost everyday news of barbaric actions in other countries reminds us all too well of why this constitutional protection is just as critical now as it was when ratified over 200 years ago. I commend Chairman INOUYE for his work in addressing this difficult issue and urge swift passage of this bill.

Mr. WELLSTONE. Mr. President, I am pleased to join today with Senator INOUYE in sponsoring the Native American Free Exercise of Religion Act of 1993 [NAFERA]. Senator INOUYE is to be congratulated not only for introducing this legislation today, but for the leadership he has shown in putting together the bill. Senator INOUYE and his staff have spent a great deal of time on the road, traveling around the country, listening to native Americans, religious leaders, constitutional scholars, and others before writing this final version of the bill. He worked closely with native groups in many States in order to see that their concerns were met in the proposed legislation. I am proud to note that one of the many field hearings on this legislation took place in my State, Minnesota, and I think that some of the views expressed there have had some impact on the form this legislation has finally taken. This is, Mr. President, a good example for all of us to follow—a legislative process in which the people affected by the legislation are included, not just as examples of the wrong we intend to right, in a brief hearing here in Washington, but as consultants on the very elements of the bill itself.

Throughout the series of hearings held around the country on NAFERA, one theme repeated itself over and over again: our traditional understanding of how to protect religious freedom, based on a European understanding of religion, is insufficient to protect the rights of the first Americans. I believe that the bill we are introducing today will move this country toward a broader definition of religion and, in doing so, make it possible for all Americans to enjoy the freedom to worship in their own manner.

About a year ago, the distinguished anthropologist Jack Weatherford, who teaches at Macalester College in St. Paul, published a stirring opinion piece in the Minneapolis Star-Tribune, calling on Congress to guarantee the rights of native Americans to worship in their traditional ways, on their traditional sacred sites. Professor Weatherford wrote, and I am quoting directly here, that:

> Of all the spiritual suffering a people can undergo, the separation from traditional religious sites seems to be one of the most painful and often one of the most difficult to justify by any government. for religions such as Judaism, Islam, Taoism, Hinduism and Christianity, the sacred site usually is a temple, church, monastery or shrine. For the native peoples who follow traditional ways of worship, the site more often is a sacred brook, a quiet forest, a rocky promontory, a special lake or some other natural spot that has not been transformed into a man-made edifice.

This sort of suffering, as Professor Weatherford and many others have noted, occurs all over this country, every day. Indian sacred sites are destroyed by builders, sometimes even on Federal lands. Indians are prevented from practicing forms of worship that require isolation, peace, and quiet because their sites are invaded by tourists. In other cases, conflicts erupt around traditional practices simply because non-Indians do not understand them and feel threatened by them. This has often been the case with the ritual use of peyote. This lack of understanding has also played a role in the difficulties Indian inmates have faced in having access to traditional practitioners when in prison. Mr. President, it is time for us to find a way to put an end to these difficulties and to provide native Americans with the same chances for freedom of worship that we already provide to most other Americans.

I think that I can, as a Jewish American, make a claim to a special understanding of some of the issues at stake here. Every year, for the past 2,000 years, Jews have celebrated the holiday of Passover, commemorating the exodus of our ancestors from slavery in Egypt and their eventual return to the land of Israel. And every year, every Jewish family has finished its ritual dinner, the seder, with the phrase, "next year in Jerusalem." To many, this is not meant to refer to some spiritual Jerusalem, some paradise in the afterlife. It is a reference to the real city and the real place. Of course, today there is serious controversy around what part of Israel should be considered sacred to Jews and what parts can be returned to the Palestinian people. But my main point here is that as a Jew, I do not find it at all strange that a people should mark their history and the history of their spirituality in real, concrete places. Jews have often done this. So, I might add, have many other peoples.

What we are talking about here is not religion in the sense it is often understood in the United States. Religion, for traditional native Americans, is not some set of practices easily distinguished from everyday life, accomplished in specific buildings, with particular religious authorities presiding. Instead, religion is deeply intertwined with the very fabric of native American cultural identities. At our hearing in Minnesota we heard witnesses speak in moving terms about these ties and about the importance of traditional spirituality in their everyday lives. But, again, I want to stress some parallels here. How often have we heard the debate about whether Judaism is a culture or a religion? In the end, for most Jews, you cannot separate the two. The same is true for native Americans.

I think that it is clear that when we talk about religious freedom for native Americans, our first problem is to clear up the obvious misunderstandings about what is under consideration. For native Americans, religion means something different than it does for the dominant religions in this country. But once we understand what that meaning is, it should be a simple matter for us to understand that their freedom to worship ought to be guaranteed. I am sure that I do not need to remind my colleagues that freedom of religion is one of the fundamental rights provided for every citizen of this country.

But I think we need to go just a little further in our understanding of this question. The Congress of the United States, and with it, the entire Federal Government, has an obligation to protect the rights of Indian tribes. This is called the trust relationship. I want to stress that while there are general reasons of religious freedom behind the legislation we are introducing today, the Native American Free Exercise of Religion Act of 1993, is needed because we have an obligation to protect Indian rights to free worship. The question is not, should we protect Indian religious freedom? Instead, we must ask, how can we best live up to our obligation to protect that freedom?

This is an important question, because one might legitimately want to ask why we need a bill to address specifically the religious freedom of native Americans, instead of a bill that addresses all religious at one time. There is, of course, such a bill, the Re-

ligious Freedom Restoration Act [RFRA], which has been recently introduced by my colleague from Massachusetts, Senator KENNEDY, and of which I am an original co-sponsor. I believe that there is a strong argument to be made that both of these bills ought to be made into law. RFRA is designed to respond in a very general way to judicial decisions that have been made in recent years restricting the right to free practice of religion. It will restore the compelling interest test as the constitutional standard for the free exercise of religion. It sets a standard of a "least restrictive means" for furthering any compelling government interest in restricting free exercise. I want to stress that these standards worked well for many years, for most religions in this country. And that is a very good reason to support RFRA.

But leaving the definition of such standards up to the judiciary has not proven very effective for native American religions. In NAFERA, on the other hand, we provide language that makes clear the particularities of native religious practices we intend to address. Historically, Indian law and policy have been defined by the judiciary because we have often not made our intentions very clear here in Congress. With this bill, we are making our intentions very clear. Native Americans deserve the same religious freedoms as all other Americans and, if their religious priorities are very different from those of other Americans, we can use this bill to make sure that those differences are understood by the courts. For this reason alone, NAFERA is needed in addition to RFRA.

Yet there is another area where RFRA does not address in any clear way the specific needs of native American religious practice. As Prof. Philip Frickey, of the University of Minnesota Law School, said in his testimony before the Indian Affairs Committee, RFRA fails to clearly address the fundamental issue of native access to sacred sites. While, as Professor Frickey points out, RFRA is designed to restore the compelling interest/least restrictive means tests, in the important Lyng case, where a road was built across a sacred site, the court decided that the Government's action did not burden native religious practice because, and I am citing Professor Frickey's testimony here, it did not "'coerce' native Americans 'into violating their religious beliefs' or 'penalize religious activity by denying any person an equal share of the rights, benefits, or privileges enjoyed by other persons'." Professor Frickey goes on to say that "Lyng thus arguably redefined a 'burden' on the free exercise of religion to include only coercion or penalties surrounding the practice of religion, and to exclude the destruction of religious beliefs. Because the RFRA provides no independent, congressional definition of 'burden', it seems reasonable to fear that Lyng would be decided the same way under RFRA as it was under the first amendment." In other words, in Lyng, Indian religions were understood as if they were just like other religions, a set of beliefs with no particular attachment to the land. RFRA provides no way to address the specificity of native religious practices. In NAFERA, we do. Mr. President, we cannot rely on RFRA to protect native American religion. We need to pass NAFERA as well. I am sure that upcoming hearings on NAFERA will further build the case I have outlined here.

Mr. President, if we are to guarantee the religious freedom of native Americans we need to make sure that all Americans understand that traditional native religions are different from those we usually have in mind when we speak of religious freedom. NAFERA is designed with native specificity in mind and, if passed, it will provide the means to protect native practices and to educate the public about those practices. The support of a broad spectrum of religious groups shows that that educational process is already underway. If we pass this bill, we can go even further in that process. What we are seeking is to find a way to preserve the rights of native Americans to worship freely, in their own manner, the spirits of their choosing. We are looking for the means to end the spiritual suffering of many native Americans described by Professor Weatherford. This bill is good public policy, Mr. President. I would like, once more, to thank Senator INOUYE for introducing it and call upon my colleagues to join me in support of it.

Mr. MCCAIN. Mr. President, today Senator INOUYE, the distinguished chairman of the Committee on Indian Affairs, has introduced the Native American Free Exercise of Religion Act of 1993. This bill involves a very complicated area of law which provokes strong and deeply held views. I want to commend Chairman INOUYE for his leadership on this important issue. As is his usual custom, Senator INOUYE has already invested a considerable amount of personal time chairing field hearings and conducting meetings to ascertain the concerns and views of tribal and traditional religious leaders. These consultations have led to the introduction of this bill which seeks to advance the policy established in 1978 under the American Indian Religious Freedom Act [AIRFA].

Mr. President, for the past several weeks a number of Indian tribes and members of the American Indian Religious Freedom Coalition have written to me urging my cosponsorship of this bill. I want to thank everyone who has taken the time to share with me their concerns regarding Indian religious freedom issues. I want to convey to the Indian tribes, religious leaders, and coalition members my hope that this bill will spark a genuine consensus on the changes that are necessary to make AIRFA into an effective law. After careful review and notwithstanding a deep commitment to the goal of religious freedom, I have reluctantly decided not to cosponsor this bill.

Owing to the high level of interest in this issue, and because I do not want anyone to misinterpret my decision not to cosponsor this measure as being insensitive to the religious beliefs held by native Americans, I have decided to make this statement for the RECORD. This statement provides my general view on this issue and highlights a few of the specific concerns I have about the bill.

First, as some individuals will recall, I introduced S. 1124, the American Indian Religious Freedom Act Amendments of 1989, in the 101st Congress. Representative Udall introduced similar legislation in the House and both bills were the subject of hearings in the 101st Congress. While S. 1124 only addressed the issue of access to sacred sites, the bill set forth my general view that as a result of the enormous controversy among native Americans, Federal officials, and other parties, regarding the interpretation and implementation of AIRFA, the Congress had to provide further guidance for the resolution of the conflicts between the concepts inherent in Indian and native cultures and Federal land management practices. This balance of competing interests must be fully informed by the Constitution, our moral and legal obligations to native Americans, and the legitimate interest of the Federal Government in the sound management of Federal lands for the benefit of all Americans.

Under S. 1124, Federal lands which are considered sacred and indispensable to a native American religion and are necessary to the conduct of that religion were entitled to protection. These lands could not have been managed in a way that would have posed a substantial and realistic threat of undermining and frustrating the native American religion or religious practice. Under that bill, Federal officials were granted latitude to carry out legal responsibilities of the Federal Government; to protect a compelling governmental interest, or to protect a vested property right. These land management officials were required, to the greatest extent feasible, to select the course of action that would have been the least intrusive on traditional native American religions or religious practices. Nothing in S. 1124 compelled a Federal official to totally deny public access to Federal lands. The bill established explicit burdens of proof for all parties in any judicial challenge to a Federal land management decision. Petitioners in such cases would have been required to

prove that the Federal decision posed a substantial and realistic threat of undermining and frustrating a traditional native American religion or religious practice. If this burden of proof was met, the Federal agency was required to show that its decision was necessitated by law, to protect a compelling governmental interest, or to protect a vested property right. In all cases the agency was required to prove that their decision reflected the course of action which was the least intrusive on the traditional native American religion or religious practice. The Federal courts were given the authority to enter any order necessary to carry out the purposes of the bill.

I have purposely described S. 1124 because I want to remind interested parties that even though that bill was narrowly drafted it was opposed by the Justice Department on the ground that it violated the establishment clause of the Constitution. Other witnesses said that S. 1124 would create an unconstitutional Federal entanglement by requiring Federal agencies to make certain administrative determinations regarding religious practices. The proponents of the bill introduced today should be prepared to state why the two constitutional concerns noted above do not apply to this bill which contains far more restrictive provisions on Federal land managers than those included in S. 1124.

Second, I note that the Judiciary Committee has already acted on S. 578, the Religious Freedom Restoration Act. H.R. 1308, the companion legislation, passed the House on May 11. Both bills would overturn the 1990 Supreme Court ruling in Employment Division versus Smith by restoring the compelling interest standard on a State government which seeks to pass a law limiting religious freedom. In light of this recent congressional action, I am interested in knowing why the religious freedom bills referenced above do not address the fundamental concerns raised under titles I and III of this new bill. If the concerns have been addressed, then it seems to me that considerable time and expense can be saved by narrowing the focus of the bill to the remaining titles.

Third, I am concerned that the bill attempts to micromanage various Federal activities on issues involving eagle feathers, animal parts, and prisoners' rights. In addition, I am concerned that the commission called for in title III and the regional councils called for in title IV are unnecessary. It appears to me from the testimony I've reviewed on prisoners' rights and on the use of eagle feathers and plants, that the proponents of this bill are prepared to recommend administrative steps that can be taken by the cognizant Federal or State agencies. Again, time and expense can be saved without sacrificing the purposes of both titles. I am interested in knowing specific actions the proponents have taken since 1989 to work with the various Federal agencies to explore possible administrative remedies to the issues raised in both titles.

Finally, I am concerned that the omnibus character of this bill will make it much more difficult if not impossible to complete the legislative process. This point will perhaps become more apparent in the House of Representatives where a bill of this complexity will be referred to more than one committee. Such a result will only serve to delay the goal of making AIRFA into an effective law. While I recognize that each of the titles in the bill address important Indian religious freedom concerns, I believe it is incumbent on the tribal proponents to advise the Congress whether they are willing to amend AIRFA by breaking the bill into its various parts or to proceed with the bill in its entirety. I realize the thought of compromise is perhaps the most distant concept in the minds of tribal proponents today, however, all of us must deal with the art of the possible. In this instance, it may only be possible to consider one or more titles of the bill at this point in time while other titles are temporarily set aside. As I mentioned at the beginning of my statement, the issues surrounding AIRFA are complex and provoke strong and deeply held views. Examining Indian affairs issues in the legislative arena usually requires a significant amount of time owing to the enormous amount of education that most Members of Congress require to make informed judgments on pending issues. The size and complexity of this bill and the potential constitutional issues involved will require an unusual amount of time and patience by all parties.

In closing, let me repeat that it continues to be my hope that we will be able to achieve a consensus on advancing the policy goals of AIRFA. I am concerned, however, that the current approach, however well intended, will not yield the desired results and will only prolong the day when religious freedom can be ensured for all native Americans. I believe it is incumbent upon me as a U.S. Senator and as the vice chairman of the Committee on Indian Affairs to provide the Indian people with a legislative analysis that is straightforward and candid. I believe it is incumbent upon the Indian people to recognize the legislative constraints under which all Members of Congress must operate. Finally, I believe it is incumbent upon my colleagues and the Federal agencies to reexamine current policies and to seriously consider measures that can be taken to assure that those who occupied the lands of our Nation before us are ensured of their religious freedom.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 1022. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases for waters off the coast of the State of New Jersey until the year 2000, and for other purposes; to the Committee on Energy and Natural Resources.

THE NEW JERSEY OFFSHORE OIL AND GAS MORATORIUM ACT

• Mr. BRADLEY. Mr. President, I am very pleased to introduce today, with my colleague, Senator LAUTENBERG, the Offshore Oil and Gas Moratorium Act. This legislation will add New Jersey to the other coastal areas for which moratoriums on oil and gas offshore development exist.

In July 1991, the U.S. Department of the Interior issued a 5-year comprehensive program for oil and gas development on the Outer Continental Shelf. This document is the blueprint for the Interior Department's efforts and goals for near-term development off the Jersey shore.

This document identified the mid-Atlantic region, which would include a number of tracts off the Jersey shore, for continued planning and lease sales in 1994 and 1997.

These proposals are much more likely to result in anxiety, bad press, and, ultimately, another blow to our coastal economy than to any significant discoveries of oil or gas. In the late 1970's, roughly 28 exploratory wells were drilled off our coast. Are any of these wells still producing oil or gas? No. All 28 are plugged and abandoned. Were there any commercial discoveries of oil and gas? No. Who expects there to be found significant quantities of oil or gas off our shore? I don't know of anyone.

This past summer was a happy one on the shore. On the beachwalk, many, many people expressed their joy in the clean water and beaches. There was a refreshing sense of optimism there. We don't need a new dark cloud to dampen this enthusiasm. We don't need to reconsider the issue of oil and gas leasing.

In last year's natural energy strategy bill, I included a ban on leasing off our coast until 2000. Unfortunately, even though both Houses agreed to my language, the whole title dealing with offshore issues was dropped because of other controversies. We didn't win; we didn't lose; we were rained out. It's time for a replay.

Every now and then, it's appropriate to draw a bright line: Some things you just don't do. They're not worth it. You don't violate the pristine Arctic plain in Alaska. And you don't burden a coastal ecology that's struggling to survive. You just don't drill off of our Jersey shore.

I ask unanimous consent that the text of my bill be printed following my remarks.

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

S. 1022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Jersey Offshore Oil and Gas Moratorium Act".

SEC. 2. DEFINITIONS.

As used in this Act.

(1) LEASE.—The term "lease" has the same meaning as is provided in section 2(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(c)).

(2) PRELEASING ACTIVITY.—The term "preleasing activity" means any activity conducted before a lease sale is held including—

(i) the scheduling of a lease;

(ii) a request for industry interest;

(iii) a call for information or a nomination;

(iv) the identification of an area;

(v) the publication of a draft or final environmental impact statement;

(vi) a notice of sale; and

(vii) any form of rotary drilling.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. NEW JERSEY OFFSHORE OIL AND GAS MORATORIUM.

Beginning on the date of enactment of this Act and ending on January 1, 2000, the Secretary of the Interior may not conduct any preleasing activity, or hold any lease sale, under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) with respect to the area seaward from the State of New Jersey.•

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1023. A bill to provide that no funds may be expended in fiscal year 1994 by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the April 1992 proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–97; to the Committee on Energy and Natural Resources.

LEASING LEGISLATION

• Mr. LAUTENBERG. Mr. President, today Senator BRADLEY and I are introducing two bills to provide the coastal waters off New Jersey with the same protection from offshore oil and gas drilling which most other coastal areas of the country are afforded. Senator BRADLEY is joining me in introducing legislation to extend the existing moratorium on oil and gas drilling off the mid-Atlantic coast contained in the Interior appropriations bill through fiscal year 1994. I am joining Senator BRADLEY in introducing a bill to impose a moratorium on oil and gas drilling off New Jersey through the year 2000.

In 1988, then-candidate George Bush visited the New Jersey shore. He called the pollution of our coastal waters and beaches a "national tragedy," and promised to protect the Nation's shores. Yet in his June 1990 OCS moratoria decision, President Bush protected only a portion of the Nation's coastline. Although he established moratoria for most of the west coast, much of New England and certain areas off western Florida for 10 years of study to determine the environmental impacts on these States from offshore oil and gas drilling, the President flatly ignored New Jersey. The decision effectively discriminates against New Jersey by saying that other offshore areas are somehow more sensitive and more deserving of protection.

Obviously President Bush did not believe that States like New Jersey deserve protection. But the economies of New Jersey and other unprotected States rely heavily on their coastal resources. The New Jersey shore is the driving force behind New Jersey's $18 billion tourism sector, which is the second largest revenue-producing industry in the State. In 1991, 8.8 million people stayed overnight at the shore and an additional 59 million made day trips to New Jersey beaches. Furthermore, 353,000 people serviced these visitors in some capacity, making the tourism industry the No. 1 employer in the State.

Mr. President, even if we developed all the unleased portions of our OCS, it would provide us with less than 1 percent of world oil supplies. And the Marine Management Service has estimated that there is less than a month's worth of oil from the last proposed sale off the mid-Atlantic. These are meager benefits in the face of the potential economic and environmental risks posed to our vulnerable coastal States, and OCS development would do little to affect our reliance on the volatile world oil markets.

The waters off New Jersey are just as precious as those covered by President Bush's ban: Our beaches deserve equal treatment. Since the June 1990 decision, I have sent several letters to the President, and have met with the Director of the Mineral Management Service. In each instance, I have urged that New Jersey receive the same type of environmental reviews as those States which obtained moratoria. Unfortunately, the Bush administration proposed to lease acreage off New Jersey and other east coast States for oil and gas leasing.

The Congress has acted to remove the prejudice and instill some justice into the OCS planning and leasing processes. I have used my position on the Appropriations Committee to have the Congress include in the Interior appropriations bill moratoria to stop offshore oil and gas drilling leasing and preleasing activities off New Jersey by the Secretary of the Interior. And Senator BRADLEY worked to include in the Senate Energy Committee version of S. 2116, the National Energy Act, a prohibition on oil and gas drilling leasing and preleasing activities off the New Jersey coast until January 1, 2000. This and other provisions relating to offshore drilling were dropped in the conference on the energy bill.

One bill Senator BRADLEY and I are introducing today adopts the provision Senator BRADLEY offered in the Energy Committee to S. 2116. It provides the same protection to the waters off New Jersey from oil and gas operations that President Bush established for most of the rest of the U.S. coast. The second bill which we are introducing would extend the existing moratorium contained in the Interior appropriations bill in the fiscal year 1994 Interior appropriations bill.

Senator BRADLEY and I, together with our colleagues Congressman BILL HUGHES and FRANK PALLONE, also are writing to President Clinton urging him to extend the existing offshore oil and gas moratoria to the waters off New Jersey. I am pleased that President Clinton's fiscal year 1994 budget would continue the existing moratoria for oil and gas operations off New Jersey for fiscal year 1994.

Mr. President, I urge my colleagues to support this legislation. And I ask unanimous consent that a copy of the appropriations moratorium bill which I am introducing, together with a copy of the letter Senator BRADLEY and I sent to President Clinton be included in the RECORD.

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

S. 1023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no funds may be expended in fiscal year 1994 by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the April 1992 proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

U.S. SENATE,
Washington, DC, May 20, 1993.

Hon. WILLIAM J. CLINTON,
1600 Pennsylvania Avenue, NW.,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to ask that you reverse the policy of the last Administration and impose a moratorium on oil and gas leasing on the outer continental shelf off the Mid-Atlantic coast until the year 2000.

In 1990, President Bush imposed moratoria through the year 2000 on offshore lease sales off large portions of the nation's coasts. These moratoria addressed almost all controversial oil and gas lease sales except for the proposed sales off the Mid-Atlantic. Despite our requests, President Bush refused to include the Mid-Atlantic in his moratoria decisions.

The New Jersey coastline is one of our most precious resources. In 1991, 8.8 million people stayed overnight at the New Jersey shore and an additional 59 million made day trips to New Jersey's beaches. Coastal tourism at the shore—fishing, swimming, or just walking along the beach—generated $8.9 billion in New Jersey in 1991.

New Jerseyans have been working hard to protect our coast and have made significant strides against various forms of pollution. But the threat posed by offshore oil and gas development to our efforts is obvious.

We fail to understand why our coastline is being treated differently from coastlines

around the country. New Jersey beaches and coastal waters are every bit as precious and threatened as those waters in which President Bush banned oil and gas activities.

Oil and gas drilling off the New Jersey coast is expected to produce no more than 13 days of the nation's energy needs. We believe that the risks posed to our coast by oil and gas development off our coasts are not worth 13 days of the nation's energy needs.

We urge you to reverse President Bush's policy and establish the same moratoria on outer continental shelf drilling off the New Jersey coast that President Bush established for most of the rest of our coastline.

Sincerely,

BILL BRADLEY.
FRANK R. LAUTENBERG.
FRANK PALLONE, Jr.
WILLIAM J. HUGHES.•

By Mr. BRADLEY:

S. 1024. A bill to establish a demonstration program to develop new techniques to prevent coastal erosion and preserve shorelines; to the Committee on Banking, Housing, and Urban Affairs.

LOCAL INNOVATION AND COASTAL PROTECTION ACT

• Mr. BRADLEY. Mr. President, I rise today to introduce legislation to bring new ideas and local energy to the enormous task of protecting our Nation's beaches. I am very pleased to be joined in this effort by Senator LAUTENBERG.

For a long time, I've made very clear to all my interest and love of the shore. This is where I come with my family in the summer, as many other New Jerseyites. This is where I have focused a lot of my own attention, whether it's to celebrate the shore's history and diversity by a New Jersey Coastal Heritage Trail, or to address less pleasant issues such as oilspills and medical waste.

Last winter, the shore was battered by a series of storms. A lot of property was damaged. A lot of beach simply vanished. Partly as a result of these storms, we have an ongoing debate both in the State and nationally as to what to do and how to prevent damage.

My own research tells me we have yet a lot to learn about living on the shore. My communities have watched their beaches steadily erode. On our coast, we've spent millions to counter erosion, often with little to show for our efforts.

In 1982 and 1983, for instance, I had to get $12 million in emergency appropriations to save the access road to the Sandy Hook National Recreation Area. We pumped sand on the disappearing beach. By 1989, we needed another $6 million to do the same thing. Today, the Park Service is requesting yet $8 million more.

Frankly, we've been very simple-minded in our approaches—relying too often on pumped concrete or pumped sand. We've got to get new tools, new approaches. We need innovation and we need it now.

Last year, my office was contacted by citizens from Spring Lake. They had been working with a local inventor and some researchers at the Stevens Institute. Their small experiment used two chains of concrete disks, laid across the beach, as a simple way to reverse erosion. Lo and behold, the experiment appeared to work: The beach grew.

Last spring, these constituents reached out to me to help enlarge and better monitor the experiment. I wanted to help. But, other than requesting a specific line item in an appropriations bill, there seemed to be little way to encourage the town's interest and innovative spirit.

The legislation I am introducing today in the Senate will change that. My bill will target and encourage innovation. It will reach out to communities, to counties, to States, and urge them to be creative, to find a better way to protect and enhance our shores.

Here's how the bill works:

The bill sets up a program, managed by FEMA, which allows coastal municipalities, counties, and States to apply for Federal grants. The Federal Government is authorized to fund projects for up to $500,000. A local cost share of at least 25 percent is required.

The grants are intended for projects that target coastal erosion and are considered innovative or experimental. This is a program to develop new ideas first and last.

A special preference is given to those projects that use natural features, planning, temporary or portable structures to control or counter erosion. If we can, we want to minimize the footprint of these projects and encourage flexibility. While an approach, for instance, that relied on poured concrete and embedded steel wouldn't be ruled out, it is not the first choice.

All grants would include a provision that required a complete analysis, at full Government expense, of the long-term impacts and impacts to neighboring communities. We're not trying to find new Band-Aids. We're not trying to steal sand from one beach for another. We're looking for real solutions.

The grant money will be provided by the likely beneficiaries, with direct safeguards. The legislation calls for a separate fund financed by a $5 per year fee on coastal community flood insurance policies. However, this is not your normal trust fund: First, if the money is not spent appropriately and is allowed to accumulate, the authority to collect the fee is withdrawn; second, every contributing policyholder will get an annual accounting of the program—this will help spread the word about the program, and its successes and failures; and third, after 4 years, the program stops and all unobligated funds are returned to the policyholders.

Additionally, the bill calls on the FEMA flood insurance managers to develop a list of approved erosion reduction techniques. FEMA is authorized to allow appropriate flood insurance discounts to those communities that aggressively employ these techniques and reduce the risks of erosion.

What I've tried to do is create a small, responsible, and forward-looking program. I've tried to make sure that the funds will actually be there to implement the program. I've tried to safeguard those funds so they don't get hijacked to other purposes.

I ask unanimous consent that the text of the bill be printed following my remarks.

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

S. 1024

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 "Local Innovation and Coastal Protection Act of 1993".

SEC. 2. PROGRAM AUTHORITY.

(a) IN GENERAL.—Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.) is amended by adding at the end the following new section:

"SEC. 1366. EROSION MITIGATION DEMONSTRATION PROGRAM.

"(a) IN GENERAL.—The Director shall make grants, with amounts made available from the Coastal Erosion Control Fund established under section 1367, to demonstrate the feasibility of innovative mitigation activities designed to minimize coastal erosion, preserve shorelines, and avoid environmental degradation.

"(b) ELIGIBLE RECIPIENTS.—The Director may make grants under this section to—

"(1) any State; and

"(2) any community participating in the national flood insurance program under this title that—

"(A) has suffered recurring flood damages and claims, as determined by the Director; and

"(B) is in full compliance with the requirements under the national flood insurance program.

"(c) ELIGIBLE ACTIVITIES.—

"(1) IN GENERAL.—A grant under this section may be used to develop and test innovative techniques to minimize coastal erosion and preserve shorelines.

"(2) PRIORITY.—In making grants under this section, the Director shall give a priority to eligible recipients that conduct projects to demonstrate the feasibility of techniques that—

"(A) have application to more than 1 location;

"(B) substantially broaden the applicability of proven erosion control techniques; or

"(C) avoid permanent structural alterations and rely instead on natural designs, including the use of vegetation, or temporary structures, to accomplish their goal.

"(d) APPLICATIONS.—The Director shall make grants under this section on the basis of a nationwide competition, in accordance with such application forms and procedures as the Director may establish.

"(e) MAXIMUM AMOUNT.—The total amount of any grant under this section may not exceed $500,000 for any project assisted under this section.

"(f) PROGRAM REQUIREMENTS.—

"(1) MATCHING REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (C), a grant under this section

may not exceed 3 times the amount that the recipient certifies, as the Director shall require, that the recipient will contribute from non-Federal funds to carry out activities assisted with amounts provided under this section.

"(B) NON-FEDERAL FUNDS.—For purposes of this subsection, the term 'non-Federal funds' includes—

"(i) State or local agency funds,

"(ii) any salary paid to staff to carry out the activities of the recipient,

"(iii) the value of the time and services contributed by volunteers to carry out such activities (at a rate determined by the Director), and

"(iv) the value of any donated material or building and the value of any lease on a building.

"(C) NO MATCH REQUIRED FOR EVALUATION.—No non-Federal contribution is required for the conduct of evaluations under paragraph (2).

"(2) REPORT.—Not later than 5 years after the receipt of a grant under this section, the recipient of the grant shall transmit to the Director a report that—

"(A) evaluates the long-term effectiveness of the techniques that were developed under this section; and

"(B) assesses any impact that such techniques have had on adjacent coastal areas.

"(g) REPORT TO CONGRESS.—The Director shall transmit to the Congress an annual report that—

"(1) summarizes the erosion mitigation techniques developed pursuant to this section;

"(2) describes the status of the Coastal Erosion Control Fund established under section 1367; and

"(3) recommends any legislative or administrative action necessary to further the purposes of this section.

"(h) AUTHORIZATION.—There are authorized to be appropriated to carry out this section, from the Coastal Erosion Control Fund under section 1367, $12,500,000 for each of the fiscal years 1994 through 1997.".

SEC. 3. ESTABLISHMENT OF COASTAL EROSION CONTROL FUND.

Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), as amended by section 2, is further amended by adding at the end the following new section:

"SEC. 1367. ESTABLISHMENT OF COASTAL EROSION CONTROL FUND.

"(a) IN GENERAL.—The Director shall establish in the Treasury of the United States a fund to be known as the Coastal Erosion Control Fund (hereafter in this section referred to as the 'Fund'), which shall be available, to the extent provided in appropriation Acts, for grants under section 1366.

"(b) CREDITS.—The Fund shall be credited with any premium surcharges assessed under section 1308(e).".

SEC. 4. INSURANCE PREMIUM MITIGATION SURCHARGE.

(a) IN GENERAL.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following new subsections:

"(e) Notwithstanding any other provision of this title, the Director shall assess, with respect to each contract for flood insurance coverage under this title, an annual mitigation surcharge of $5. The surcharges shall be paid into the Coastal Erosion Control Fund under section 1367, and shall not be subject to any agents' commissions, company expenses allowances, or State or local premium taxes.

"(f) The Director shall not assess any surcharge under subsection (e) if the balance of the Fund exceeds $15,000,000.

"(g) The Director shall transmit to those who paid a surcharge under subsection (e)—

"(1) an annual report describing the expenditures of the Fund during the preceding fiscal year; and

"(2) any unobligated funds that remain in the Fund at the end of fiscal year 1997.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any contract for flood insurance under the National Flood Insurance Act of 1968 issued or renewed after the date of enactment of this Act.

SEC. 5. INSURANCE RATE INCENTIVES FOR EROSION MITIGATION EFFORTS.

Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), as amended by sections 2 and 3, is further amended by adding at the end the following new section:

"SEC. 1368. INSURANCE RATE INCENTIVES FOR EROSION MITIGATION EFFORTS.

"(a) PREFERRED EROSION MITIGATION MEASURES.—The Director shall evaluate the effectiveness of the erosion mitigation measures funded under section 1366 and shall publish a list of the most effective of such measures in the Federal Register.

"(b) RATE INCENTIVES FOR COMMUNITIES.—The Director shall provide incentives in the form of adjustments in the premium rates for flood insurance coverage in areas that the Director determines have implemented erosion mitigation measures contained in the list published pursuant to subsection (a).".●

By Mr. CONRAD (for himself, Mr. BAUCUS, Mr. HARKIN, and Mr. FORD):

S. 1025. A bill to promote technology transfer to small manufacturers by providing for engineering students to work as interns with small manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SMALL MANUFACTURERS' RENEWAL TRAINING ACT

● Mr. CONRAD. Mr. President, I offer the Small Manufacturers' Renewal and Training—or SMART—Act. This bill will promote the modernization of America's small manufacturers by providing internships for senior engineering students in small companies.

BACKGROUND

Senator HOLLINGS has long been a leader in the area of technology transfer. Moreover, we now have a President who advocates the development of a coherent technology policy to enhance America's economic competitiveness. I am proud to be a cosponsor of Senator HOLLINGS' National Competitiveness Act—it will strengthen American manufacturing.

A key element of the competitiveness strategy is the Manufacturing Outreach Program—designed to bring information on the best manufacturing processes and technologies directly to small manufacturers.

SMART PROGRAM

The legislation I am introducing today, the SMART Act, will make an important contribution to the Manufacturing Outreach Program. By placing senior science and engineering students in small manufacturing companies, the SMART internship program will serve three purposes:

First, it will expose small manufacturers to modern manufacturing technologies through personal contact with young scientists and engineers.

Undergraduate students cannot be experts in all aspects of modern manufacturing technology, but they will have access to the technical resources of their colleges and universities and the manufacturing outreach center.

Second, it will give young engineers and scientists experience in working in small companies where they will develop many of the skills necessary to become successful entrepreneurs.

Many of these young people will then seek careers with small entrepreneurial companies. Over the long term, this legislation will produce a larger community of entrepreneurs with technological expertise.

Third, it will build stronger ties between the scientists and engineers in our colleges and universities and the small manufacturing sector.

Companies will benefit by increased exposure to new technological ideas.

TECHNOLOGY AND COMPETITIVENESS

Our international competitors have had technology policies in place for years, and it shows. In technology after technology, commanding U.S. leads have evaporated and, in too many cases, we are now playing catchup.

With a basic research engine that is the envy of the world, there is no excuse for the United States to fall behind in critical commercial technologies. We have been very effective at expanding frontiers of human knowledge and understanding, but have often failed to move technologies to the market.

We need to take steps to build on our strong foundation of basic research by developing low-cost mechanisms to transfer modern and advanced technologies to the private sector. This is the key to President Clinton's technology program and the key to increasing economic growth in America.

AMERICAN INDUSTRY

Large companies like IBM and General Motors have been shrinking and splitting apart. Once the mainstay of the American economy, they are losing jobs and investing less in research and development. Small companies must take up the slack.

However, small companies face particularly difficult obstacles in adopting modern technologies. Many small firms simply cannot afford to have full time engineers and scientists on staff. As a consequence of this and other problems, many small firms have a difficult time selecting and adopting modern technologies to stay competitive. Even high technology companies often lack the expertise in efficient manufacturing processes that is essential to commercial success.

That need not be the case. In Fargo, ND, Gary Zespy runs a small manufacturing company. Last year, he wanted to improve his quality control systems. Fortunately, Gary could turn to the Institute for Business and Industrial Development at North Dakota State University which helped him develop a quality control system.

Gary Zespy is lucky because his factory is near a center at North Dakota State University. Manufacturing outreach programs including the SMART internship program can bring that luck to other firms—breaking the barriers of time and information.

By placing interns directly with small companies, the SMART program helps to overcome this knowledge barrier and multiplies the ability of manufacturing outreach centers to do their job.

RURAL AREAS

The SMART Program provides a way to help keep young scientists and engineers in rural areas, by creating opportunities for them to demonstrate their value to local, small manufacturers. It will contribute to the long-term economic revitalization of these areas.

The SMART Program is based on successful experiences in cooperative education and a pilot program at Iowa State University. Cooperative education requires a major commitment from an employer to hire a student—or, more often, two students who alternate in and out of a single position—for 2 or 3 years. This requirement poses a significant cost obstacle for many small companies.

A pilot program at the Iowa State University Extension Service's Center for Industrial Research and Service is helping to eliminate that obstacle. This program has placed a handful of engineering students each summer with small manufacturing companies across the State of Iowa. One student helped a small manufacturer design a new, more efficient popcorn machine. The president of another company described working with another student as "a win-win situation for both of us." Demand for interns has far outstripped the budget of this small program.

THE PROGRAM

The SMART Program offers a low-cost, low-risk way for small manufacturers to take advantage of the pool of talent in engineering schools. The SMART Program pays for a portion—up to the Federal minimum wage—of the intern's wages. The host company must supplement those wages and provide benefits.

Through grants from NIST, manufacturing outreach centers will recruit and select students for internships—matching their skills with the needs of small manufacturers—provide initial training and information and serve as a constant source of technical and other support to the students.

I believe that the SMART Program meets the highest standards of efficiency and cost-effectiveness. The $10 million initial funding authorization would sponsor over 3,000 interns, helping 3,000 small manufacturing companies across the country.

The SMART internship program is carefully targeted to complement, not to replace similar programs in the Small Business Administration or cooperative education programs.

CONCLUSION

Mr. President, the Small Manufacturers' Renewal and Training Act will provide a cost effective means to promote technological progress in America's small businesses. It will strengthen linkages between the manufacturing and technology communities and provide the basis for long-term economic growth and renewal. I urge my colleagues to join me in this effort.•

By Mr. PACKWOOD (for himself and Mr. HATFIELD);

S.J. Res. 97. A joint resolution to commemorate the sesquicentennial of the Oregon Trail; to the Committee on the Judiciary.

SESQUICENTENNIAL OF THE OREGON TRAIL

• Mr. PACKWOOD. Mr. President, I rise to introduce a joint resolution to commemorate the sesquicentennial of the Oregon Trail. The journeys of thousands of settlers along this trail is one of the defining moments in American history. Through the courage, perseverance, and hopes of these pioneers, the United States was able to fulfill its Manifest Destiny. In 1840, only three States existed west of the Mississippi River, and the Nations boundary was roughly the Continental Divide. Within 10 years, the country stretched from ocean to ocean.

The Oregon Trail had been used for many years by trappers, explorers, and mountain men. In 1843, the first wagon trains of pioneer families set off from Independence, MO, and traveled 2,170 miles across sage brush, plains, mountains, and rivers to the Willamette Valley in the Oregon Territory. This epic journey took them through land that is now the States of Kansas, Nebraska, Wyoming, Idaho, and Oregon. For a brief period in the early 1840's the trail curved up into Washington. Along the trail, the tracks of their wagons can still be seen where ironclad wheels cut into the sandstone roadbed.

The people who embarked on this journey had many reasons for seeking a new life. Some were fleeing the depressed economy of the Eastern States; others were attracted by free land in the West. Some settlers even needed to escape from the law. All sought a better life for themselves in the new territories of the West.

The journey was very hazardous. To preserve the strength of their animals, most of the settlers walked and allowed the oxen to pull the wagons. The pioneers suffered from fatigue, disease, and accidents. Many of the travelers fell ill, and for a long stretch along the trail there was a grave every 80 yards.

The stories of the families who embarked on the Oregon Trail define the United States as a nation. They were willing to cast off their old lives, surmount huge obstacles, and achieve better lives in a promising new land. They were pivotal in extending our country from ocean to ocean.

The sesquicentennial of the Oregon Trail will be celebrated in many ways this year and observed in all the States through which the trail ran. A train of wagons will recreate the journey, new interpretive signs and interpretive centers are being installed along parts of the trail, and many other celebrations and events will take place. I think it is only fitting that the Senate honor this great event in American history by declaring September 4, 1993, the 150th anniversary of the day the first families reached the end of their journey, as "National Oregon Trail Day."

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S.J. RES. 97

Whereas, of all the western trails used by fur traders, gold seekers, missionaries, and emigrants, the Oregon Trail was the most important to the western settlement of this great Nation;

Whereas, in the year 1843, the first major wave of humanity left Independence, Missouri and travelled 2,170 miles in covered wagons across sagebrush, plains, mountains, and rivers to the Willamette Valley in Oregon Territory;

Whereas over 400,000 men, women, and children risked their lives in this greatest migration in American history;

Whereas this Nation was expanded from ocean to ocean, as settlement of the Old Oregon Territory forced Great Britain to relinquish this land to the United States;

Whereas the pioneering spirit of the Oregon Trail emigrants embodies the spirit of the American people;

Whereas Americans have an ever-increasing desire to understand our national heritage;

Whereas, in 1978, Congress enacted the National Trails System Act, designating the Oregon Trail as a national historic trail, in recognition of the vital role it played in our Nation's history; and

Whereas in 1993, the American people will seek to rekindle the pioneering spirit of the "Great Migration" and an official Oregon Trail sesquicentennial wagon train will journey across the Nation, arriving in Oregon City, Oregon on September 4, 1993: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 4, 1993, is hereby designated as "National Oregon Trail Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and activities.•

• Mr. HATFIELD. Mr. President, 150 years ago the first of nearly a half million pioneers set off from Independ-

ence, MO, for the unknown frontier of the Oregon Territory. These settlers travelled 2,170 miles with their entire families in small covered wagons in search of the American dream. Today, I am very pleased to join my colleague from Oregon, Senator PACKWOOD, in introducing legislation establishing National Oregon Trail Day on September 4 of this year.

Honoring the Oregon Trail gives Americans, be they young or old, a chance to evaluate an extremely important period in the history of the United States. While the significance of the Great Migration to the Western States is obvious, the impact of this expansion on the lives of all Americans became equally obvious as our fledgling country fulfilled what it saw as its Manifest Destiny. Henry David Thoreau so aptly characterized this historic migration when he stated:

> I must walk toward Oregon, and not toward Europe. And that way the nation is moving, and I may say that mankind progresses from east to west * * * We go eastward to realize history and study the works of art and literature. We go westward into the future, with a spirit of enterprise and adventure.

The 4½ month journey along the Oregon Trail was filled with hardships for these enterprising settlers. Storms, rivers, undrinkable water, disease, and starvation took their toll. In some years, one of every ten pioneers who set out on the trail died. Once they reached their destinations in California, Washington, Utah, New Mexico, Oregon, or any of the several other States the trail traversed, they were forced to carve out an existence in a wholly new environment. Yet these settlers persevered and created their homesteads from all that was strange. Because of these brave men and women our struggling Nation became not only one of the largest countries in the world, but also one of the richest from the wealth of natural resources that were discovered. The backbone of this Nation has always been our pioneering spirit as displayed by these intrepid travelers.

But, as we commemorate the migration that the Oregon Trail brought forth, let us also commemorate those Americans who were using the western trails long before the migration of the 19th century began. The story of the impact of westward expansion on native American lands and cultures is well known. Perhaps not as well known is the role that native Americans played in the history of the Oregon Trail as guides and as traders of salmon, vegetables, and fruit to pioneers who had run out of food and money.

Reflection upon the great events that shaped our Nation's past is crucial to better understanding the great ideals that will shape our Nation's future. Migration on the Oregon Trail proved costly to many travelers as well as to native cultures. But, the trail also embodied the hopes and dreams of a generation that built this country into the great Nation it is today. The realization of these dreams will be celebrated with events this summer in the many towns that grew up along the trail in several States.

I urge citizens from all areas of the country to come travel part of the trail, to ride in an authentic wagon train, or meander on horseback in the ruts first created by iron-wheeled prairie schooners. On mountainous portions of the trail, such as in the Cascade Range in Oregon, one can still find notches high in the great fir trees, carved at ground level 150 years ago by the ropes used to pull wagons up the steep inclines. Come join in the spirit of the Old West and commemorate the sesquicentennial of the trail that shaped a nation.●

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BIDEN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 52

At the request of Mr. FEINGOLD, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 52, a bill to amend the Public Health Service Act to establish a program to provide information and technical assistance and incentive grants to encourage the development of services that facilitate the return to home and community of individuals awaiting discharge from hospitals or acute care facilities who require managed long-term care, and for other purposes.

S. 98

At the request of Mr. BRADLEY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 98, a bill to establish a Linkup for Learning grant program to provide coordinated services to at-risk youth.

S. 265

At the request of Mr. SHELBY, the names of the Senator from Washington [Mr. GORTON], the Senator from Montana [Mr. BAUCUS], the Senator from Alaska [Mr. STEVENS], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 373

At the request of Mr. DECONCINI, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 373, a bill to amend title 17, United States Code, to modify certain recordation and registration requirements, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes.

S. 381

At the request of Mr. DASCHLE, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 381, a bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs.

S. 411

At the request of Mr. HELMS, his name was added as a cosponsor of S. 411, a bill to freeze domestic discretionary spending for fiscal years 1994 and 1995 at fiscal year 1993 levels.

S. 430

At the request of Mr. HELMS, his name was added as a cosponsor of S. 430, a bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes.

S. 434

At the request of Mr. BUMPERS, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes.

S. 449

At the request of Mr. HELMS, his name was added as a cosponsor of S. 449, a bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

S. 482

At the request of Mr. BOREN, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors 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. 483

At the request of Mr. SHELBY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

S. 575

At the request of Mr. KENNEDY, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 575, a bill to amend the Occupational Safety and Health Act of 1970 to improve the provisions of such Act

with respect to the health and safety of employees, and for other purposes.

S. 732

At the request of Mr. KENNEDY, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 732, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

S. 739

At the request of Mr. BUMPERS, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 739, a bill to amend the Internal Revenue Code of 1986 to simplify the limitation on using last year's taxes to calculate an individual's estimated tax payments.

S. 806

At the request of Mr. MITCHELL, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 806, a bill to extend to the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment provided certain conditions are met.

S. 861

At the request of Mr. BRADLEY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 861, a bill to provide assistance to community development financial institutions, and for other purposes.

S. 862

At the request of Mr. BRADLEY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 862, a bill to promote the development of small business in economically distressed central cities by providing for entrepreneurship training courses and Federal guarantees of loans to potential entrepreneurs, and for other purposes.

S. 863

At the request of Mr. BRADLEY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 863, a bill to provide for the establishment of demonstration projects designed to determine the social, psychological, and economic effects of providing to individuals with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based welfare policy may be used to enable individuals with low income to achieve economic self-sufficiency.

S. 864

At the request of Mr. BRADLEY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 864, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize a community policing grant program.

S. 865

At the request of Mr. BRADLEY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 865, a bill to establish a Mobility for Work Demonstration Program, and for other purposes.

S. 866

At the request of Mr. BRADLEY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 866, a bill to provide for the establishment of a neighborhood reconstruction corps program to award grants for the employment of disadvantaged workers for infrastructure repair activities, and for other purposes.

S. 895

At the request of Mr. PRYOR, the names of the Senator from Nevada [Mr. REID], the Senator from Hawaii [Mr. INOUYE], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 895, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of the rehabilitation credit under the passive activity limitation and the alternative minimum tax.

S. 914

At the request of Mr. BUMPERS, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 914, a bill to amend the Internal Revenue Code of 1986 with respect to the discharge, or repayment, of student loans of students who agree to perform services in certain professions.

S. 947

At the request of Mr. PRESSLER, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 947, a bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes.

S. 991

At the request of Mr. JOHNSTON, the names of the Senator from Colorado [Mr. CAMPBELL] and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of S. 991, a bill to direct the Secretary of the Interior and the Secretary of Energy to undertake initiatives to address certain needs in the Lower Mississippi Delta Region, and for other purposes.

S. 1007

At the request of Mr. PRYOR, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 1007, a bill to recreate the common good by supporting programs that enable adults to share their experience and skills with elementary and secondary school age children.

SENATE JOINT RESOLUTION 14

At the request of Mr. THURMOND, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 14, a joint resolution to designate the month of May 1993, as "National Foster Care Month."

SENATE JOINT RESOLUTION 60

At the request of Mr. BYRD, the names of the Senator from Connecticut [Mr. DODD], the Senator from North Carolina [Mr. HELMS], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 60, a joint resolution to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month."

SENATE JOINT RESOLUTION 64

At the request of Mr. LEVIN, his name was added as a cosponsor of Senate Joint Resolution 64, a joint resolution to designate June 5, 1993, as "National Trails Day."

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. SHELBY, the name of the Senator from Ohio [Mr. METZENBAUM] 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.

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. LEVIN, his name was added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution concerning the removal of Russian troops from the independent Baltic States of Estonia, Latvia, and Lithuania.

At the request of Mr. DECONCINI, the names of the Senator from Colorado [Mr. BROWN] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Concurrent Resolution 24, supra.

AMENDMENTS SUBMITTED

MANUFACTURING TECHNOLOGY AND EXTENSION ACT OF 1993, INFORMATION INFRASTRUCTURE AND TECHNOLOGY ACT OF 1992, NATIONAL COMPETITIVENESS ACT OF 1993

PRESSLER AMENDMENT NO. 369

(Ordered referred to the Committee on Commerce, Science and Technology.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (S. 4) promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing

technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, as follows:

Beginning with page 56, line 5, strike all through page 60, line 13.

On page 60, line 14, strike "324" and insert "322".

On page 78, strike lines 18 through 25.

On page 79, line 1, strike "(3)" and insert "(1)".

On page 79, line 5, strike "(4)" and insert "(2)".

On page 79, strike line 9 and all that follows through "expenses." on line 17.

At the end of the bill, add the following new title:

TITLE VII—ASSISTANCE TO SMALL CRITICAL TECHNOLOGY FIRMS

SEC. 701. ASSISTANCE TO SMALL CRITICAL TECHNOLOGY INVESTMENT COMPANIES.

(a) CREATION OF CRITICAL TECHNOLOGY INVESTMENT COMPANIES.—Section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681) is amended by adding at the end the following new subsection:

"(e) CRITICAL TECHNOLOGY INVESTMENT COMPANIES.—

"(1) LICENSING.—A small business investment company, the investment policy of which is that its investments will be made for the purpose of stimulating and expanding the flow of private capital to small business concerns engaged in the research, development, demonstration, and commercialization of critical civilian technologies—

"(A) may be—

"(i) organized and chartered under applicable State business or nonprofit corporation statutes; or

"(ii) formed as a limited partnership; and

"(B) may be licensed by the Administration to operate in accordance with this title.

"(2) COMMITMENT.—In order to be licensed under this subsection, a critical technology investment company shall—

"(A) demonstrate to the Administration a relationship with and the ability to work in conjunction with universities, research bodies, technology transfer centers, or other organizations to assist the critical technology investment company in identifying and evaluating projects to be financed under this subsection; or

"(B) if such ability cannot be satisfactorily demonstrated, as determined by the Administrator, establish a technology advisory committee to assist in project identification, evaluation, and oversight for the company.

"(3) VENTURE CAPITAL PARTICIPATION.—A critical technology investment company licensed under this subsection may provide venture capital to small business concerns in such manner and under such terms as the licensee may establish in accordance with the regulations of the Administrator. Venture capital provided to small business concerns may be provided directly or in cooperation with other investors, incorporated or unincorporated, through agreements to participate on an immediate basis.

"(4) APPLICABILITY OF ACT.—Except as otherwise specifically provided this title shall apply to a critical technology investment company licensed under this subsection in the same manner and to the same extent as a small business investment company licensed under subsection (c).

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) a small business is engaged in the research, development, demonstration, and commercialization of critical civilian technologies if such small business—

"(i) is eligible for assistance under section 28 of the National Institute of Standards and Technology Act; and

"(ii) engages in such activities in relation to advanced technologies and products in the fields of automation and electronics, advanced materials, biotechnology, optical technologies, or other technologies identified by the Secretary of Commerce as critical civilian technologies; and

"(B) the term 'small business' shall have the meaning given to such term by the Administrator in regulations promulgated in connection with subsection (c).".

"(b) PARTICIPATING SECURITIES.—Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended in the first sentence by striking "section 301(c) of this Act" and inserting "subsection (c) or (e) of section 301".

"(c) ALLOCATION OF PROFITS.—Section 303(g)(11) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(11)) is amended by adding at the end the following new subparagraph:

"(C) Notwithstanding any other provision of this paragraph, a critical technology investment company licensed under section 301(e) which issues participating securities shall agree to allocate to the Administration a share of its profits in an amount equal to 50 percent of the profit share payable by a small business investment company licensed under section 301(c) in accordance with subparagraphs (A) and (B).".

"(d) LEVERAGE ON DEBENTURES.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 638(b)) is amended by striking "301(c) of this Act" each place such term appears and inserting "subsection (c) or (e) of section 301".

"(e) REGULATORY AUTHORITY.—The Small Business Administration (hereafter in this section referred to as the "Administration") shall promulgate such rules and regulations as may be necessary to carry out section 301(e) of the Small Business Investment Act of 1958 (as added by subsection (a)).

"(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to any sums authorized to be appropriated under section 20 of the Small Business Act, there are authorized to be appropriated to the Administration for the period encompassing fiscal years 1994 and 1995, $105,000,000 to carry out the financing functions of the Administration in connection with the critical technology investment companies licensed under section 301(e) of the Small Business Investment Act of 1958 (as added by this subsection (a)).

(2) AVAILABILITY.—Amounts appropriated to the Administration in accordance with paragraph (1) shall remain available until expended.

(3) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated under paragraph (1), not more than the greater of $5,000,000 or 10 percent may be used by the Administration for administrative expenses in any fiscal year.

(g) FUND.—Amounts received by the Administration from the redemption of participating securities issued by a critical technology investment company licensed under section 301(e) of the Small Business Investment Act of 1958 (pursuant to section 303(g) of that Act) and fees paid to the United States by such a critical technology investment company shall be deposited into an account established by the Administration shall be available only to carry out such section 301(e), to the extent provided in advance in an appropriations Act.

One page 3, in the table of contents, strike the items relating to sections 322 and 323 and redesignate the item relating to section 324 as section 322.

On page 3, at the end of the table of contents, add the following:

"TITLE VII—ASSISTANCE TO SMALL CRITICAL TECHNOLOGY FIRMS

"SEC. 701. Assistance to critical technology investment companies.".

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

WELLSTONE AMENDMENT NO. 370

Mr. WELLSTONE proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill (S. 3) entitled the "Congressional Spending Limit and Election Reform Act of 1993," as follows:

At the appropriate place insert the following:

SEC. . REDUCTION OF CONTRIBUTION LIMITS.

(a) AMENDMENT.—Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking the semicolon and inserting ", but no more than $105 in the aggregate with respect to an election cycle in the case of a candidate for the Senate;".

(b) EFFECTIVENESS.—The amendment made by subsection (a) shall be in effect only when there is in effect a law that provides for significant public financing of Senate election campaigns (including payments of money, vouchers for use in connection with the purchase of the use of media for communication to the public, discounted or free use of communications media, and reduced mailing rates) for primary elections, runoff elections, and general elections.

DECONCINI AMENDMENT NO. 371

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill (S. 3), supra, as follows:

Amend section 801 to read as follows:

SEC. 801. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in subsection (b) and in any other provision of this Act, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) CONTRIBUTION RECEIVED PRIOR TO DATE OF ENACTMENT.—No provision of this Act or amendment made by this Act that limits the amount of a contribution or contributions that may be made to or accepted by a candidate or political committee by or from a single person or entity or a particular type of person or entity during an election cycle shall be applied to make unlawful or require the return of a contribution that was made prior to the date of enactment of this Act.

PRESSLER (AND OTHERS) AMENDMENT NO. 372

Mr. PRESSLER (for himself, Mr. MCCONNELL, Mr. MCCAIN, and Mr. DURENBERGER) proposed an amendment

to amendment No. 366 (in the nature of a substitute) to the bill (S. 3), supra, as follows:

Strike section 102, beginning on page 37, line 6, and ending on page 43, line 15, of amendment No. 366, and insert the following:

SEC. . BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.".

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Section 301(4) of Federal Election Campaign Act (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof;

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year; and

"(D) any committee jointly established by a principal campaign committee and any committee described in subparagraph (B) or (C) for the purpose of conducting joint fundraising activities.".

(2) Section 316(b)(2) of Federal Election Campaign Act (2 U.S.C. 441b(b)(2)) is amended by striking subparagraphs (B) and (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of Federal Election Campaign Act (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.".

(2) Section 302(e)(3) of Federal Election Campaign Act (2 U.S.C. 432(e)) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.".

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period in which the limitation under section 324 of that Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a) and (b) shall not be in effect; and

(2) it shall be unlawful for any person that—

(A) is treated as a political committee by reason of paragraph (1); and

(B) is not directly or indirectly established, administered, or supported by a connected organization which is a corporation, labor organization, or trade association,

to make contributions to any candidate or the candidate's authorized committee for any election aggregating in excess of $1,000.

WELLSTONE AMENDMENT NO. 373

Mr. WELLSTONE proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill (S. 3), supra, as follows:

In section 502(a)(1) of the Federal Election Campaign Act of 1971, as proposed to be enacted by section 102(a) of the amendment, strike "the less of" and all that follows through "$250,000" and insert "$25,000".

MANUFACTURING TECHNOLOGY AND EXTENSION ACT OF 1993 INFORMATION INFRASTRUCTURE AND TECHNOLOGY ACT OF 1993 NATIONAL COMPETITIVENESS ACT OF 1993

WOFFORD (AND OTHERS) AMENDMENT NO. 374

(Ordered referred to the Committee on Commerce, Science and Technology.)

Mr. WOFFORD (for himself, Mr. KERRY, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, S. 4, supra, as follows:

SECTION 101. Short Title. These amendments may be cited as the "Workplace Innovation Amendments."

SEC. 102. Amendments to S. 4, the National Competitiveness Act of 1993. The bill S. 4, the National Competitiveness Act of 1993, is amended as follows:

On page 4, line 5, after "standards" insert "and employment opportunities".

On page 4, line 21, after "skills" insert "establish high-performance work organizations,".

On page 5, line 7, after "business' insert "and labor".

On page 5, line 8, after "technological" insert "and skill".

On page 5, line 9, after "trends" insert "and production process trends".

On page 5, line 19, after "manufacturing" insert "adopt new methods of production,".

On page 6, line 13, after "employment" insert "quality jobs".

On page 6, line 20, after "processes" insert "and advanced workplace practices".

On page 6, insert the following new subsection: "encourage cooperation among Federal departments and agencies to help firms and workers, in a coordinated fashion, to take full advantage of manufacturing technology, to improve productivity and quality, adopt high-performance work organizations, and to create quality job opportunities".

On page 7, line 18, after "art" insert "and promote high-performance high-skills systems".

On page 8, insert the following new subsection: "(2) the term 'advanced' workplace practices means innovations in work organization and performance, including high-performance workplace systems, flexible production techniques, quality programs, continuous improvement, concurrent engineering, close relations between suppliers and customers, widely diffused decision-making and work teams, and effective integration of production technology, worker skills and training, and workplace organization".

On page 9, line 20, after "Administration" insert "in cooperation with other Federal departments and agencies,".

On page 10, line 4, after "companies" insert "and their workforces".

On page 10, line 11, after "technologies" insert "and advanced workplace practices".

On page 10, line 20, after "labor" insert "and, as appropriate, other Federal departments and agencies".

On page 11, line 9, insert new subsection as follows: "Since the development of new skills in the existing and entry workforce, and development of new organizational and managerial approaches, are integral parts of successfully deploying advanced manufacturing and related technologies, advanced workplace practices should be developed and deployed simultaneously and in a coordinated fashion with the development and deployment of advanced manufacturing technology."

On page 12, line 5, insert "workplace".

On page 14, line 8, after "Director" insert "and, as appropriate, in consultation with other Federal officials".

On page 15, line 10, insert new subsection as follows: "conduct research in advanced workplace practices related to and necessary for deploying advanced manufacturing technologies, increasing firms' competitiveness and creating job opportunities;".

On page 15, line 23, after "industry" insert "worker organizations, the Department of Labor".

On page 16, line 2, after "technologies" insert "that help production workers to effectively learn, adopt, utilize and participate in the deployment of advanced manufacturing technologies and workforce practices;".

On page 17, line 7, after "industry" insert "and worker organizations".

On page 17, line 8, after "Defense" insert "and Labor".

On page 18, line 20, after "technology" insert "and advanced workplace practices".

On page 18, line 23, delete "the private sector" and insert "business and labor".

On page 23, line 7, insert new subsection as follows: "advanced workplace practices".

On page 24, line 12, after "manufacturers" insert and "and between management and labor".

On page 24 line 20, after "them" insert ", including both technology and workplace practices;".

On page 25, line 19, after "sector" insert "help firms assess needs regarding technology, workplace practices and training;".

On page 25, insert new subsection (8) as follows: "(8) Manufacturing Outreach Centers shall help arrange for appropriate training resources, in conjunction with the implementation of advanced manufacturing technologies.".

On Page 25, insert new subsection (9) as follows: "(9) Manufacturing Outreach Centers shall, when there exists at a firm a recognized collective bargaining representative for the employees, notify such recognized collective bargaining representative when it is engaged by such firm for services.".±

On page 25, insert new subsection (10) as follows: "(10) Manufacturing Outreach Centers, shall, where there exists a recognized collective bargaining representative for the employees, work with such recognized employee representative in implementing advanced manufacturing technologies and advanced workplace practices, and where no recognized collective bargaining representative for the employees exists, work with employees in planning the use of and implementing advanced manufacturing technologies and advanced workplace practices.".

On page 26, line 1, renumber (8) to (11).

On page 26, delete lines 7 and 8, and insert new Subsections (B), (C) and (D) as follows: "(B) evaluating the effectiveness of the Manufacturing Outreach Centers and Regional Centers for the Transfer of Manufacturing Technology, including the use of objective measures such as growth in employment, productivity, market share and sales; (C) assisting, in conjunction with other federal departments where appropriate, in the training of technology extension agents and in helping them disseminate information on best available manufacturing technologies and workplace practices; and (D) collecting and disseminating information to Manufacturing Outreach Centers and Regional Centers for the Transfer of Manufacturing Technology produced by other federal departments and agencies relating to advanced manufacturing technology and advanced workplace practices.".

On page 27, line 19, delete "13" and insert "14".

On page 27, line 22, after "Defense" insert "the Secretary of Labor".

On page 30, line 4, after "and" insert "work organization".

On page 33, insert new subsection (2) as follows: "in section 25(a), by deleting "The objectives of the Centers is to enhance productivity and technological performance in United States manufacturing through—" and by inserting "The objectives of the Centers is to enhance productivity, improve customer service and product quality, increase international competitiveness and create quality job opportunities in United States manufacturing through—".

On page 33, insert new subsection (3) as follows: "in section 25(a), by deleting 'and' at the end of paragraph (4) replacing the period at the end of paragraph (5) with '; and ' and by inserting immediately after paragraph (5) the following new paragraph: '(6) the active dissemination of information on advanced workplace practices and available education and training programs and the encouragement of companies to train workers in the effective use of modern and advanced manufacturing technologies.".

On page 33, insert new subsection (4) as follows: "in subsection 25(b), by deleting 'and' at the end of paragraph (2), renumbering paragraph (3) as paragraph (4), and by adding immediately after paragraph (2) the following new paragraph: '(3) assessments of client firms' modernization needs, assistance in implementing quality processes, and where needed cooperation with training institutions to ensure that employees, particularly production workers, receive training in the most effective use of manufacturing technology and advanced workplace practices.".

On page 33, insert new subsection (5) as follows: "in subsection 25(b), by inserting immediately after paragraph (4) the following new paragraph: '(5) when there exists at a firm a recognized collective bargaining representative for employees, notification of such recognized collective bargaining representative when it is engaged by such firm for services.".

On page 33, insert new subsection (6) as follows: "in subsection 25(b), by inserting immediately after paragraph (5) the following new paragraph: '(6) where there exists a recognized collective bargaining representative for employees, working with such recognized employee representative in implementing advanced manufacturing technologies and advanced workplace practices, and where no recognized collective bargaining representative for employees exists, working to involve employees in implementing advanced manufacturing technologies and advanced workplace practices.".

On page 33, insert new subsection (7) as follows: "in subsection 25(c)(4), by inserting after "review" the following: ", including the use of objective measures as growth in employment, productivity, market share and sales".

On page 33, renumber subsection (2) to (8).

On page 34, renumber subsections (3) to (9), (4) to (10).

On page 38, line 4, insert the following new subsection (d): "(d) The performance of any recipient of assistance pursuant to this section shall be reviewed by the State Technology Extension Program, which review shall include the use of objective measures such as growth in employment, productivity, market share and sales.".

On page 43, line 10, after "technologies" insert "and advanced workplace practices".

On page 44, line 3, after "manufacturing" insert "or industrial".

On page 48, line 1, after "technologies" insert "and workplace practices".

On page 49, line 21, after "industry" insert "and American workers".

On page 50, line 11, after "countries" insert and "and create domestic employment opportunities".

On page 51, insert new subsection (I) as follows: "evaluate with the cooperation of Federal Departments to determine the extent to which these efforts have resulted in increasing production capabilities in the United States and to create employment opportunities for American workers."

On page 65, insert new subsection (a) as follows: "(a) Section 2(a) of the Malcolm Baldridge National Quality Improvement Act of 1987 (15 U.S.C. 3711a note) is amended—

(1) in paragraph (7), by striking out 'and' at the end thereof;

(2) in paragraph (8)(D), by striking out the period and inserting in lieu thereof '; and' and

(3) by adding at the end thereof the following new paragraph:

'(9) improvements in quality and the enhanced competitiveness of United States business and industry are directly related to a skilled and flexible workforce and to the organization of work around high performance models.'.".

On page 65, line 21 reletter "(a)" to "(b)".

On page 66, line 4 reletter "(b)" to "(c)".

On page 67, line 4 insert new subsection (d) as follows: "Section 16(d) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3711a(d)) is amended by adding at the end thereof the following new paragraph:

'(3) For purposes of this subsection, the term 'effective quality management' includes the upgrading of the skills of the workforce and the implementation of high performance forms of work organization that emphasize increased education, skills, and direct authority and autonomy of front-line workers in order to enhance productivity and quality.'".

• Mr. KERRY. Mr. President, we face a true economic crisis in this country which is being almost completely ignored. Over the last decade, real wages have fallen in this country. And, at a time when we are all talking about how we want our country to be a country of high-skill, high-wage jobs, the proportion of high-wage jobs in the United States is actually declining. Real median family incomes are on the decline. There is too much truth to the fact that we are becoming a Nation of hamburger flippers rather than a Nation of manufacturers.

If this continues, our children's generation will be the first to find their standard of living lower than that of their parents. To take no action and permit this to happen would be unconscionable.

The crisis we face demands that we make creating jobs our No. 1 priority. Senator WOFFORD, Senator KENNEDY, and I believe that one of the best ways we can do this is to assist American companies and American workers to adopt the new manufacturing methods that their competitors abroad are using successfully to produce products in industries which pay high wages.

Companies in Europe, Japan, parts of Southeast Asia, and the United States have adopted high-performance work organizations which give authority to skilled workers to perform a wide variety of tasks and which are more flexible and produce higher quality products than under the mass production model of work organization still widely used in the United States. We are offering a bill today which will help to bring American firms and American workers into the vanguard of this workplace revolution that has taken place around the world.

A recent article in the Wall Street Journal illustrated the importance of adopting these advanced practices. A number of respected American companies, such as GE, Corning, and Federal-Mogul, attempted to improve their competitiveness in the 1980's, but they did so without confronting the fundamental way in which they organized work. As a result, in many cases their expensive despite expensive investments in machinery and in Japanese inventory management systems failed to produce any significant savings or increases in quality. The companies cited in the Journal article learned after these misguided first attempts that to achieve real improvements, they needed to involve their workers in decisionmaking and to build the manufacturing process around them.

In Massachusetts, the Foxboro Company's Pocasset plant has adopted these methods. It has been cited as one of the 10 best plants in America by Industry Week. Its success is partially attributable to its having empowered

its employees to form teams which continually push the plant to meet higher and higher standards of quality. At a time when many major corporations have given up trying to achieve profitability and quality in the production of electronic components, this plant has remained competitive because it has won the participation and commitment of every employee.

Despite the crucial importance of this issue of work reorganization, government policy fails to address it. There is still no linkage between worker training and technology programs although, as these examples illustrate, neither worker training nor technology dissemination can be effective in isolation of the other.

Senator WOFFORD, Senator KENNEDY, and I hope to begin to bridge that gap in a bill we are introducing today. This bill will create a matching grants program for universities, worker organizations and non-profit organizations to disseminate information about high-performance work organizations. Through these grants, we will encourage workers and managers to adopt advanced work organizations as they attempt to modernize. We will improve the competitiveness of our companies—which cannot compete if they do not adopt these methods—as well as the earning ability of our workers.

The bill does not offer training, but it will help to identify the benefits of training and therefore, it will encourage companies to see training as an essential capital investment. At the same time, it will educate workers about technology so that, rather than being frightened by the prospect of modernization, they will be in a position to promote true workplace modernization.

Secretary Reich and Secretary Brown have convened a labor-management commission in part to examine the changes resulting from the advent of high-performance work organizations. The grants program Senator WOFFORD, Senator KENNEDY, and I wish to create will give people on the front lines the means to experiment with these new forms of worker organizations immediately and to encourage their adoption. Given the increasingly bleak picture facing working people in America today, it is imperative that some action be taken now.

Senator WOFFORD, Senator KENNEDY, and I are today introducing an amendment to Senator HOLLINGS' bill, The National Competitiveness Act of 1993, as well. The National Competitiveness Act will disseminate information about modernization methods to small- and medium-sized companies. Our amendment will ensure that when companies are instructed about modernization practices they are also provided assistance in adopting high-performance work organizations. Public-private extension centers will work with companies to help them understand how to invest in their workers as well as in machinery so that they can increase their productivity and the number of high-wage, high-skill jobs.

The primary goal of our economic policies must be the creation of high-wage jobs. President Clinton has put forward a plan which will address the economic crisis in America. As a member of the Commerce Committee, I am very pleased to join with Senator WOFFORD of the Labor Committee to illustrate that we in Congress are willing to work together as we are willing to work with the executive branch to get the job done. I commend him for his devotion to this issue.●

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

MCCAIN AMENDMENT NO. 375

Mr. MCCAIN proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill (S. 3), supra, as follows:

On page 17, line 3, change (f) to (g) and insert the following:

"(f)(1) RESTRICTIONS ON USE OF CAMPAIGN FUNDS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended at the end of the following new section:

"SEC. 324. (a) An individual who receives contributions as a candidate for Federal office—

"(1) may use such contributions only for legitimate and verifiable campaign expenses; and

"(2) may not use such contributions for any inherently personal purpose.

"(b) As used in this subsection—

"(1) the term 'campaign expenses' means expenses attributable solely to bona fide campaign purposes; and

"(2) the term 'inherently personal purpose' means a purpose that, by its nature, confers a personal benefit, and such term includes, but is not limited to, a home mortgage payment, clothing purchase, noncampaign automobile expense, country club membership, vacations or trips of a non-campaign nature, and any other inherently personal living expense as determined under the regulations mandated by paragraph (f)(2) of this subsection.".

(2) REGULATIONS.—For the purpose of subsection (f)(1), the Federal Election Commission shall, not later than 90 days after the date of enactment of subsection (f)(1), prescribed regulations to implement the subsection. Such regulations shall apply to all contributions possessed by an individual at the time of implementation of this section."

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding an oversight hearing on Thursday, May 27, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on the Native American Grave Protection and Repatriation Act.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

Mr. President, I would like to announce that the Committee on Indian Affairs will be holding an oversight hearing on Thursday, May 27, 1993, beginning at 2 p.m., in 485 Russell Senate Office Building, on the President's budget request for Indian programs for fiscal year 1994 for the Indian Health Service and Indian programs within the Environmental Protection Agency.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

Mr. President, I would like to announce that the Committee on Indian Affairs will be holding a joint hearing on Tuesday, May 25, 1993, beginning at 3:30 p.m., in 328-A Russell Senate Office Building, on barriers to participation in food stamp and other nutrition programs of the Department of Agriculture by persons residing on Indian lands.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON, Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, June 8, 1993, at 2:30 p.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from William H. White, nominee to be Deputy Secretary of Energy; Maj. Gen. Archer L. Durham (Ret.), nominee to be Assistant Secretary of Energy for Human Resources and Administration; and William J. Taylor III, nominee to be Assistant Secretary of Energy for Congressional, Intergovernmental and International Affairs.

For further information, please contact Rebecca Murphy at (202) 224-7562.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY AND THE COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry and the Committee on Indian Affairs be allowed to meet during the session of the Senate on Tuesday, May 25, 1993, at 3:30 p.m., to hold a joint hearing on barriers to participation in food stamp and other nutrition programs of the Department of Agriculture by persons residing on Indian lands.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on

Commerce, Science, and Transportation be authorized to meet on Tuesday, May 25, 1993, at 10 a.m., pending committee business.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 25, 1993, to receive testimony on S. 544, a bill to amend the Federal Power Act to protect consumers of multistate utility systems, and for other purposes; and to receive testimony on an amendment to S. 544 which would transfer responsibility for administering the Public Utility Holding Company Act of 1935 from the Securities and Exchange Commission to the Federal Energy Regulatory Commission.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 25, beginning at 9:30 a.m., to consider the nominations of:

Mr. David McLane Gardiner, nominated by the President to be the Administrator for Policy, Planning and Evaluation, U.S. Environmental Protection Agency;

Mr. Steven A. Herman, nominated by the President to be the Assistant Administrator for Enforcement, U.S. Environmental Protection Agency;

Mr. George Thomas Frampton, Jr., nominated by the President to be the Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior; and

Mr. Rodney E. Slater, nominated by the President to be the Federal Highway Administrator, U.S. Department of Transportation

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 Tuesday, May 25 at 5 p.m., to receive a closed briefing from the State Department on the administration's policy toward Bosnia.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet for a hearing on May 25, at 9:30 a.m., on the nomination of Philip Lader, to be Director for Management, OMB.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, May 25, 1993, beginning at 3:30 p.m., in 328-A Russell Senate Office Building, on barriers to participation in Food Stamp and other nutrition programs of the Department of Agriculture by persons residing on Indian lands.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a hearing on the Nomination of Lee Brown to be the Director of the Office of Drug Strategy, During the session of the Senate on Tuesday, May 25, 1993, at 10:30 a.m.

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

SPECIAL COMMITTEE ON AGING

Mr. FORD. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Tuesday, May 5, 1993, at 9:30 a.m. to hold a hearing entitled "How Secure Is Your Retirement: Investments, Planning and Fraud."

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

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies and Business Rights, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, May 25, 1993, at 9:30 a.m., to hold a hearing on the insurance industry.

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 Tuesday, May 25, 1993, at 2:30 p.m., in open session, to consider the following pending nominations: Mr. Ashton B. Carter, to be Assistant Secretary of Defense for Nuclear Security and Counter Proliferation; Mr. Walter Slocombe, to be Deputy Under Secretary of Defense for Policy; Mr. Edward L. Warner III, to be Assistant Secretary of Defense for Strategy and Resources; Ms. Anita K. Jones, to be Director, Defense Research and Engineering; Mr. Emmett Paige, Jr., to be Assistant Secretary of Defense for Command, Control, Communications and Intelligence; Mr. Harold Smith, to be Assistant to the Secretary of Defense for Atomic Energy; Mr. Steven S. Honigman, to be General Counsel of the Navy; and Ms. Deborah Lee, to be Assistant Secretary of Defense for Reserve Affairs. The nominees will be present. The hearing on each nomination is contingent upon timely submission of all required paperwork.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR REGULATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, May 25, beginning at 10 a.m., to conduct a hearing, on S. 656, the Indoor Air Quality Act of 1993 and S. 657, the Indoor Radon Abatement Reauthorization Act of 1993.

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

SUBCOMMITTEE ON FORCE REQUIREMENTS AND PERSONNEL

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Force Requirements and Personnel of the Committee on Armed Services be authorized to meet on Tuesday, May 25, 1993, at 9 a.m., in open session, to receive testimony on the personnel compensation and benefits programs of the military services associated with the Defense authorization request for fiscal year 1994 and the future years defense program.

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

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Tuesday, May 25, 1993, at 10 a.m., to conduct a hearing to review the Treasury Department's latest report on international economic and exchange rate policy.

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

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, May 25, 1993, in open session, to receive testimony on the civil defense budget and programs of the Federal Emergency Management Agency in review of the Defense authorization request for fiscal year 1994 and the future years defense program.

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

ADDITIONAL STATEMENTS

ROOT ELEMENTARY, A BLUE RIBBON SCHOOL

• Mr. BUMPERS. Mr. President, last week Root Elementary School in Fayetteville, AR, was honored as one of the Department of Education's Blue Ribbon Schools.

Established in 1982, the Blue Ribbon Schools Program honors elementary and secondary schools in alternate years. State education agencies, the Bureau of Indian Affairs, the Department of Defense Dependent Schools, and the Council for American Private Education nominated nearly 500 elementary schools for the 1991-92 competition.

Two hundred twenty-eight schools were selected as Blue Ribbon Schools, which was based on an evaluation of written materials from the nominated schools and reports from experienced principals and teachers who visited the schools.

The student body at Root Elementary has been engaged this year in learning more about our American system of economics by forming their own corporation and subsidiary businesses to provide a service to the community. That effort has also won a teacher work team at the school a National Award for Economic Education.

Mr. President, I want to congratulate the administrators, the teachers, the parents and students at Root Elementary on this national recognition. They are proof that our schools can and should provide the proper environment for motivating students to learn.•

RTC FUNDING—THRIFT DEPOSITOR PROTECTION ACT OF 1993

• Mr. JEFFORDS. Mr. President, once again, we found ourselves considering legislation to provide additional funds to the Resolution Trust Corporation [RTC]. This issue was the legislative equivalent of root canal work, it had to be done, but it was no fun.

The savings and loan disaster is a tale of bad judgment, bad actors, and bad luck. All of us wanted to put it behind us, yet none of us want to pay the tab. Certainly I didn't. My State does not have one failed thrift, and yet Vermonters are being asked to contribute just as much as everybody else for a problem that was not theirs. This is bitter medicine to swallow.

The legislation recently passed by the Senate provides the RTC with $18.3 billion in funding—the amount previously appropriated but not spent by the RTC—and the Savings Association Insurance Fund [SAIF] with $16 billion in new funding. This was the fifth time that the Senate considered funding and I hope the last one before the RTC completes its job of closing failed thrifts.

This is not small change, for my State or any other. But I think the Clinton administration was right to support this request and we would have been derelict if we did not support it. The problem will not disappear if we ignore it, it will only fester. Nor does it lend itself to a magical, perfect solution that will make me and every other Member of Congress perfectly satisfied.

The price of procrastination for the American people is staggering. For over a year, we had sat on our hands and denied the Resolution Trust Corporation the money it needs to shut down insolvent S&L's. Inaction has meant mounting losses. The net result to the American taxpayer has been approximately $1 billion in unrecovered costs, or a daily cost of almost $3 million.

Since the full Congress has yet to appropriate funds for the RTC, today, tomorrow, and until the day Congress does a reality check, the American taxpayers will continue to lose $3 million every day needlessly. This is money that can't be used to close insolvent thrifts and protect insured deposits, it is pure waste.

Most Vermonters who contacted me wanted the people responsible for this mess to pay the bill. I agree wholeheartedly. This bill, like others before it, contains measures to track down and prosecute the crooks who ripped off their depositors and the Federal insurance fund that protects them.

But if we are going honest, we have to recognize that the costs of the bailout will be far beyond what we can hope to recover from pursuing individuals who broke our laws. Billions and billions in losses came not from illegal activity, but risky and legal investments, much of it in real estate deals that went sour. For many of these losses, no amount of investigation will turn up criminal activity.

We can second guess this situation forever. But one decision cannot be second-guessed, that is, the commitment we made to the thousands of depositors in the savings and loan system who were told that the full faith and credit of the United States stood behind their deposit. These people are not S&L kingpins, they are not the high fliers who made the bad deals.

But they are what the bailout is all about. Virtually every dollar that Congress has appropriated has gone to pay them the insurance money they were promised. The average account paid off by the RTC has been $9,000. That speaks volumes about just who is being helped by the bailout.

The U.S. Government and Congress have an obligation to provide adequate funding to protect all Americans under the Federal deposit insurance system that we enacted 60 years ago. We cannot now desert these insured depositors that the American Government has given a commitment to, simply because of the concern over how the RTC operates. Congress has a duty to fulfill the obligations that we have promised to the American public.

Like everyone else, I have been horrified by the stories of waste in the RTC. The administration is not unmindful of these problems. Secretary Bentsen and RTC's Interim Chief Executive Officer [CEO] Roger Altman recently announced new measures to provide that "every penny saved through more efficient operations and more effective asset sales will reduce the ultimate cost to the taxpayer." The administration has instituted new changes that "place greater emphasis on internal controls and efficiency as opposed to speed." These new changes also provide greater access to small business, women, and minorities.

For instance, the RTC is establishing a Small Investors Program [SIP] to increase small investor opportunities. It will also elevate the Office of Minority and Women's Programs to divisional status and have its Vice President report directly to the CEO. It will prepare a comprehensive business plan and asset sales strategy, having submitted its outline for review to the General Accounting Office and Inspector General's Office. Finally, the RTC will strengthen its internal controls, appoint a Chief Financial Officer and Oversight Board Audit Committee and establish an RTC/FDIC transition task force.

Today, the RTC has 83 thrifts in its conservatorship program. There are currently 3.9 million depositors with $74 billion under RTC control. It has been estimated by Secretary Bentsen that, over the next 5½ years, about 192 institutions will likely fail, requiring the RTC and SAIF to protect these failed thrifts depositors. These thrifts have combined assets of about $120 billion. The funding that was requested for the RTC and SAIF will go to offset these thrifts to insured depositors, today and in the future. Over 97 percent of previously appropriated funds to the RTC were used to cover the insured deposits of Americans. Not as critics try to proclaim, to only bail out saving and loan executives and stockholders for their fraudulent practices with taxpayers' money.

Instead, much to the chagrin of these critics, the RTC has tried to assist the Justice Department in pursuing savings and loans crooks that ripped off billions of dollars from the American people. Through May 1992, the Justice Department had convicted 862 individuals, with 77 percent or 545 people receiving jail sentences. Federal courts have imposed almost $11 million in fines due to these convictions. Some 161 directors of failed thrifts were successfully convicted of fraudulent banking practices.

Still, this was not an easy vote. The question each and every one of us

should ask ourselves is what did the American taxpayer get from this thrift bailout? They have financial security and most importantly, economic stability. The money Congress has allocated to close failed thrifts will help to protect millions of American depositors' savings. Without this protection many more bankruptcies and failures would have occurred—adding to the monstrous cost of this cleanup.

For these reasons, it was a vote that was made with America's citizens' economic future in mind. Bailing out failed S&L's should only remind us that continued delays only add to the already staggering costs of this debacle. Despite continued reservations, I supported the President's funding request, and more importantly, our obligation to depositors and the American taxpayers' interests. It was time for Congress to do the same. For we must finish the job undertaken in 1989, and fulfill the Government's commitment to protect all Americans' insured deposits.•

WILL TURNER TO REPRESENT ARKANSAS IN GEOGRAPHY BEE

• Mr. BUMPERS. Mr. President, this week some of the Nation's finest students gather to compete in the National Geographic Society's fifth annual Geography Bee.

Representing my State is 13-year-old Will Turner, a student at Ramsey Junior High in Fort Smith.

Will's love of geography came at an early age. When he was 10, he asked his parents for a world globe, although most of his playmates sought something electronic or the latest in sneakers.

Will, the son of Dr. and Mrs. Bill Turner of Fort Smith, finished first among 101 contestants in the Arkansas Geography Bee in April. He has always been interested in maps, atlases, and political science generally. After graduation, he says he would like to become a student of international studies and, ultimately, a politician.

Mr. President, I want to congratulate the champion of the Arkansas Geography Bee and wish him well this week as he competes for a $25,000 scholarship with other State winners from all across the country.•

REGARDING PHILADELPHIA NAVAL SHIPYARD

• Mr. D'AMATO. Mr. President, a constituent of mine just provided me with a very disturbing article that appeared in the Philadelphia Naval Shipyard Beacon on April 24, 1992 entitled "*Seattle* Is Ours."

The story trumpets the efforts of 100 people, listed by name, that worked on the bid for the *Seattle*—100 people. Only an organization feeding off the Federal trough could afford such profligacy. By comparison, New York Shipyard's bid involved no more than six people.

This appears to me to be a gross misuse of taxpayer dollars.

I have asked the Navy to provide me with the citations from statute and the Federal Acquisition Regulations [FAR] pertaining to bid proposals; the job descriptions of each of the individuals named in the Beacon article; an assessment of whether the participation of any of these individuals violates either statutory law or the FAR; and an explanation of the means by which Navy contracting officers level the playing field for private shipyards that lack the benefit of Uncle Sam's deep pockets when competing against public yards.

Mr. President, I ask that the Beacon article "*Seattle* is ours" be included in the RECORD.

The article follows:

"SEATTLE" IS OURS!

It was almost four months ago that Management Analyst Chris McGovern trekked north to Bath, Maine carrying the shipyard's bid package for work on the combat support ship USS SEATTLE.

As is always the case, a backup person and bid package were ready in case of unforeseen problems. Good fortune, however, shined on both McGovern and the shipyard as the foot-thick document not only reached its destination on time, but later turned into a three and one-half month phased maintenance availability for PNSY.

For a short time, the appearance of the SEATTLE in Philadelphia was in doubt. New York Shipbuilding, one of the three private shipyards who had bid against PNSY for the work, filed a protest which delayed the originally scheduled March 26 arrival. That protest was dismissed by the General Accounting Office paving the way for a May arrival of the SEATTLE.

In an April 13 message to all shipyard employees, Capt. J. C. Bergner said, "This decision (by GAO) officially seals our success in the bidding arena and rewards your efforts in keeping the shipyard competitive."

While it was a shipyard-wide effort that earned PNSY the low manday rate it needs to be competitive, it was the job of Shipyard Business Manager Robert Gorgone and more than 100 employees to put together the winning bid package.

As in all bid processes, the first step of the SEATTLE journey began with permission from Naval Sea Systems Command (NAVSEA) to bid on the ship, according to Gorgone.

With the NAVSEA go ahead, Gorgone set up a team from an array of departments including planning, supply, comptroller and NAVSHIPSO, to attack the complex bid package. Comprised of both technical and cost sections, the package called for detailed answers to numerous questions on work specifications and cost.

The technical section was addressed simultaneously, and the planners and estimators wheeled into action to attack the cost aspects of the bid package.

As the journey continued, weekly meetings were held to review the technical and cost evaluations. Continually revised reports tested clerical support to the fullest.

As the bid deadline approached, the pressure mounted and 10 to 12 hour workdays became the norm. Meanwhile, a RED team, made up of the shipyard commander, department heads, group superintendents and the comptroller, joined the process to review and revise the information and approve the package. At this point, the journey was almost complete.

With the SEATTLE package assembled and all the specifications prepared, another team was formed for the all important proofreading. Because so many people contributed to the document, it was the team's primary role to make sure the information was consistent and that the final product was a first-class proposal.

It was a first-class bid package, a true "partners in excellence" effort, that Chris McGovern carried with him on his journey north to Bath.

SHIPYARD'S SEATTLE TEAM BIDS A WINNING HAND

Salvatore Accardo, Joseph Arcidicono, Frank Augostini, James Barrett, Alan Batchelder, Louis Baxter, Genevieve Beecroft, Charles Berwick, Drew Bonner, Joseph Bucci, Charles Buck, Thomas Cahill, Steven Cardillo, Joseph Chase, Darryl Chestnut, Anthony Ciaranca, John Ciurlino, Edward Collins, Bruce Conte, Daniel Crosby, Jane D'Amico, James Davis, Joseph DelGrande, Robert Delisi, Joseph DiIenno, Edward DiProspero, Thomas Donnell, Charles Dougherty, Phil Downey, Richard Drazek, Kevin Edwards, Edwin Eriksen, Gerald Fazi.

Michael Ferguson, Glen Foster, Joseph Friel, Dennis Gallagher, Nathaniel Garland, Theodore Gee, Robert Gorgone, Dominic Gwiazda, Robert Hall, Robert Helfer, Ronald Herbert, Robert Hicks, Thomas Higgins, Donald Holland, John Januszewski, Darryl Johnson, John Kasper, Peter Kerr, Robert Kitzinger, George Koefler, Robert Krzyk, Joseph Law, Antoinette Leone, MaryAnn Lochetto, Michael Loguidice, Peter Lombardo, James Lott, Francis Manzoni, Joseph Marlow, John Martino, Francis Matusik, Thomas Mcardle, Christopher McGovern.

Joseph McHugh, Gustav Mihlebach, Timothy Mitchell, William Murphy, Frank Nolan, Edward Parian, William Paul, Casmir Paulinski, Clyde Pelzer, Michael Phelan, Thomas Pierson, Kenneth Plasket, Bridget Price, Joseph Priest, Lawrence Render, John Ritchie, Mary Rzucidlo, Lawrence Sabo, Albert Salvia Dominic Sambucci, Joseph Santine, James Savage, Alan Schultz, Robert Shacklock, Malcolm Simmons, Joseph Sperrazzo, James Stritch, Edmund Szymkowski, Robert Thompson, Eugene Tillbert, James Tomczak, Alan Uhniat, Arthur Vanauken, Basil Vinci, Thomas Walsh, John Ward, Michael Williams, Charles Wright, John Zelinski.•

COMMEMORATION OF THE LAUREL SPRINGS, NJ, FIRE DEPARTMENT

• Mr. BRADLEY. Mr. President, I rise to commemorate the centennial anniversary of the Laurel Springs Fire Department.

The community celebrated this impressive milestone on May 22, and I believe that 100 years of vital support and dependable protection merits wide recognition. The many events, technological advancements, and personnel changes that have occurred over the past century certainly have contributed to the rich history of the fire department, which is an integral part of

the Laurel Springs community. It is a pleasure to join the residents in admiration and appreciation as we applaud the dedication, expertise, and bravery of the Laurel Springs firefighters over the years.

I am very proud of the Laurel Springs Fire Department. It is an outstanding model of professionalism and support. I am pleased to have this opportunity to pay tribute to its longevity and to record this centennial event in the pages of the CONGRESSIONAL RECORD.●

NATIVE AMERICAN FREE EXERCISE OF RELIGION ACT OF 1993

● Mr. BAUCUS. Mr. President, today I am proud to be an original cosponsor of the Native American Free Exercise of Religion Act of 1993. This important legislation amends the Native American Religious Freedom Act of 1978 and attempts to restore fundamental religious rights to America's first citizens and provides a necessary means of enforcement.

Agents of the Federal Government must recognize that the religious rights of those who choose to practice in the sanctuary of American lands cannot be diminished any more than those who choose to practice their religion in churches or temples can. This legislation addresses an apparent pattern of troubling behavior by Federal land management agencies who too often ignore sites which are sacred to Native Americans or sanction actions which desecrate them. Although this bill has several important provisions, the protection of sacred religious sites is of particular importance to Native Americans and to me.

It is my experience that many religious sacred sites are of significant ecological and environmental importance as well. In my home State of Montana, nestled between Glacier National Park and the Bob Marshall Wilderness is a place called Badger Two Medicine Area. This magnificent area is one of a kind in the world. It is a significant sacred site for the Blackfeet and other tribes; it is a critical habitat for the grizzly bear. This area is just one of 44 threatened sacred sites around the country. It cannot be replaced. This exceptional area is an example of what this legislation seeks to protect.

The Native American Free Exercise of Religion Act of 1993 is the result of hard work by many concerned groups and individuals, but its introduction also marks the beginning of a process. As the Senate works its will on this important legislation, concerns will no doubt be raised by those who seek to develop the land and those who are charged with its management. I know these concerns will be handled in a balanced and thoughtful way as have other sensitive issues involved in this bill.●

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. 157, Calendar No. 159, and Calendar No. 183.

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 actions; and that the Senate return to legislative session.

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

The nominations were considered an confirmed, en bloc, as follows:

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Robert W. RisCassi [redacted] U.S. Army.

The following-named office to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. James H. Johnson, Jr. [redacted], U.S. Army.

DEPARTMENT OF STATE

Elinor G. Constable, of the District of Columbia, a career member of the Senior Foreign Service, class of Career Minister, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, vice E.U. Curtis Bohlen, resigned.

LEGISLATIVE SESSION

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

HARDROCK MINING REFORM ACT OF 1993

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 65, S. 775, relating to minerals on public lands; that the bill be deemed read a third time and passed; and that the motion to reconsider be laid upon the table.

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

So the bill (S. 775) was deemed read the third time and passed, as follows:

S. 775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLES.

(a) IN GENERAL.—This Act may be cited as the "Hardrock Mining Reform Act of 1993".

(b) SURFACE RESOURCES ACT OF 1955.—The Act of July 23, 1955 (69 Stat. 367, chapter 375; 30 U.S.C. 611 et seq.) is amended by adding at the end the following new section:

"SEC. 8. SHORT TITLE.

"This Act may be cited as the 'Surface Resources Act of 1955'.".

(c) MATERIALS ACT OF 1947.—The Act of July 31, 1947 (61 Stat. 681, chapter 406; 30 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

"SEC. 5. SHORT TITLE.

"This Act may be cited as the 'Materials Act of 1947'.".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds and declares that—

(1) a secure and reliable supply of nonfuel minerals is essential to the industrial base of the United States, national security, and balance of trade;

(2) many of the deposits of nonfuel hard minerals that may be commercially developed are on Federal public lands, and are difficult and expensive to discover and process;

(3) the national need for nonfuel hard minerals will continue to expand and the demand for the minerals will exceed domestic sources of supply without a strong mining industry;

(4) mining of nonfuel hard minerals is an extremely high-risk, capital-intensive endeavor, which, to attract necessary investment, requires certainty and predictability in access to public lands, establishment of mining titles, and the rights of claimants to develop minerals;

(5) it is in the national interest to foster and encourage private enterprise in the development of a domestic minerals industry to maintain and create high paying jobs in the United States;

(6) mining activities on public lands should be consistent with applicable Federal land use plans and should be conducted in compliance with all applicable Federal and State environmental regulations and standards, including standards governing mined land reclamation;

(7) the diversity in terrain, climate, biological, chemical, and other physical conditions, and variation among the minerals mined and the methods of mining and processing, require that reclamation standards should be tailored to local and regional conditions; and

(8) changes in the general mining laws of the United States to provide more direct economic return to the United States and greater protection for public resources are desirable, so long as the changes do not adversely affect employment in the mining industry or in industries that provide goods and services required for mining activities, interfere with a secure and reliable supply of minerals, or adversely affect the balance of trade of the United States.

(b) PURPOSE.—It is the purpose of this Act to—

(1) provide for increased Federal revenue from the location and production of ores and nonfuel hard minerals through increased fees and royalties;

(2) provide for the payment of fair market value for the surface of any land patented under the general mining laws of the United States;

(3) ensure that all public lands affected by nonfuel minerals mining activities under the general mining laws are reclaimed, in concert with State and local reclamation authorities; and

(4) establish a program to help reclaim nonfuel, hardrock mineral abandoned mines.

SEC. 3. DEFINITIONS.

(1) LOCATABLE MINERAL.—The term "locatable mineral" means any mineral not subject to disposition under—

(A) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(C) the Materials Act of 1947 (30 U.S.C. 601 et seq.); or

(D) the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.).

(2) MOUTH OF THE MINE.—The term "mouth of the mine" means the portal of an underground mine, the point of exit of ore from an open pit mine, or the wellhead of a solution mine.

(3) VALUE.—

(A) IN GENERAL.—The term "value" means the fair market value of the ore or solutions as they emerge from the mine or well, less the direct and indirect costs of mining, including related mine exploration and development expenses, determined in accordance with generally accepted accounting principles.

(B) NO MARKET AT MOUTH OF MINE.—

(i) If there is no market for ore in its raw or crude state, the term "value" means the gross income (computed in accordance with subparagraph (C)) from the mining of the ore or the production of the solutions, less the direct and indirect costs associated with the mining or production, determined in accordance with generally accepted accounting principles.

(C) GROSS INCOME FROM THE MINING OF THE ORE OR THE PRODUCTION OF THE SOLUTIONS.—Gross income from the mining of the ore or the production of the solutions shall be computed by multiplying—

(i) gross sales (actual or, where there are no sales, constructive) of the minerals or metals contained in the ore or solutions by a fraction whose numerator is the sum of all direct and indirect mining costs incurred to bring the ore or solutions to the mouth of the mine (excluding in-pit crushing), and whose denominator is the total of all mining and nonmining costs incurred to produce, sell, and transport the product.

(4) SECRETARY.—Unless the context otherwise requires, the term "Secretary" means the Secretary of the Interior.

SEC. 4. LOCATION AND MAINTENANCE REQUIREMENTS.

(a) LOCATION FEE.—For each claim located after date of enactment of this Act, a claimant shall pay the Secretary a location fee of $25.00 not later than 90 days after the date of location.

(b) ANNUAL MAINTENANCE FEE.—Commencing the first calendar year after the date of enactment of this Act, a claimant shall pay the Secretary on or before December 31 of each year, a maintenance fee of $100 per claim to maintain the claim for the following calendar year.

(c) INDEXING.—

(1) IN GENERAL.—The Secretary shall adjust the fees required by this section to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor every 5 years after the date of enactment of this Act, or more frequently if the Secretary determines an adjustment to be reasonable.

(2) NOTICE.—The Secretary shall provide claimants notice of any adjustment made under this subsection not later than July 1 of any year in which the adjustment is made.

(3) EFFECTIVE DATE OF ADJUSTMENT.—A fee adjustment under this subsection shall begin to apply the calendar year following the calendar year in which it is made.

(d) FAILURE TO PAY FEE.—Failure to timely pay the location fee or maintenance fee required by this section for a claim shall be deemed an abandonment of the claim. The claim shall be deemed null and void by operation of law effective at noon on the date that is 30 days after the date upon which the payment was due.

(e) EXCEPTION FOR HOLDERS OF FEWER THAN 50 CLAIMS.—

(1) ELIGIBILITY.—The claim maintenance fees required under this section shall be waived or reduced in accordance with paragraph (3) for a claimant who certifies in writing to the Secretary that on the date the payment was due the claimant—

(A) was the holder (as defined in paragraph (2)) of not more than 50 mining claims on public lands; and

(B) has performed assessment work sufficient to maintain the mining claims held by the claimant for the assessment year ending on noon of September 1 of the calendar year in which the maintenance fee payment was due.

(2) HOLDER.—As used in paragraph (1), the term "holder" includes—

(A) the claimant;

(B) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986), of the claimant; and

(C) a person affiliated with the claimant, including—

(i) a person controlled by, controlling, or under common control with the claimant; and

(ii) a subsidiary or parent company or corporation of the claimant.

(3) WAIVED OR REDUCED MAINTENANCE FEES.—

(A) 10 OR FEWER CLAIMS.—The maintenance fee shall be waived in its entirety for 10 or fewer claims held by a claimant eligible under paragraph (1).

(B) 11 OR MORE CLAIMS.—

(i) IN GENERAL.—Subject to clause (ii), the maintenance fee shall be reduced to $25 per claim for each claim in excess of 10.

(ii) LIMITATION.—The reduction in this subparagraph shall be available for no more than 50 claims held by a claimant who is eligible under paragraph (1).

(g) EXISTING REQUIREMENTS.—

(1) PAYMENT IN LIEU OF ANNUAL LABOR REQUIREMENTS.—The third sentence of 2324 of the Revised Statutes (30 U.S.C. 28) is amended by inserting after "On each claim located after the 10th day of May, 1872," the following: "that is eligible for a waiver or reduced fee under section 4(e) of the Hardrock Mining Reform Act of 1993,".

(2) FEDERAL FILING REQUIREMENTS.—Section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744) is amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively; and

(C) in subsection (b) (as so redesignated) by striking "subsections (a) and (b)" and inserting "subsection (a)".

(3) CONFORMING AMENDMENT.—Section 2511(e) of the Energy Policy Act of 1992 (30 U.S.C. 242(e)) is amended by striking the second sentence.

SEC. 5. ROYALTY.

(a) IN GENERAL.—The production and sale of locatable minerals (including associated minerals) from any mining claim located after the date of enactment of this Act shall be subject to a royalty of 2 percent of the value of the minerals measured at the mouth of the mine.

(b) PAYMENT OF ROYALTY.—Royalty payments shall be made not later than 45 days after the end of each calendar quarter during which the minerals are sold. The payments shall be subject to adjustment, if required, at the end of each calendar year.

(c) AUDIT.—The Secretary may audit the payments under this section at any time upon notice to the claimant.

(d) ROYALTY DEDUCTION.—The Secretary may reduce the royalties under this section whenever the Secretary determines it is necessary to promote development or whenever the claims cannot be successfully operated under the terms of this section.

(e) HARDROCK MINING ROYALTY REVIEW COMMISSION.—

(1) ESTABLISHMENT.—There is established the Hardrock Mining Royalty Review Commission (referred to in this section as the "Commission").

(2) MEMBERSHIP.—The Commission shall be comprised of 9 members appointed by the Secretary who have experience in the economics of the hardrock mining industry.

(3) CHAIRPERSON.—The Secretary shall designate 1 member to serve as a Chairperson of the Commission.

(4) COMPENSATION.—Members of the Commission shall serve without compensation but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(5) DUTIES OF COMMISSION.—Not later than 18 months after the date of enactment of this section, the Commission shall review the effect of the royalty provisions under this section on the domestic hardrock mining industry and present its findings and recommendations to the Secretary and to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives. In conducting its review, the Commission shall—

(A) consider the economic effect of different royalty rates on the domestic hardrock mining industry, employment, local and regional economics, the balance of trade, national security, and strategic supplies;

(B) determine whether there are sufficient differences between various minerals or means of production to support different royalty rates for specific minerals or means of production;

(C) estimate the long-term effect of different royalty rates on competition within the industry and between domestic and foreign production; and

(D) consider the multiplier effect of different royalty rates.

(6) POWERS OF THE COMMISSION.—The Commission may—

(A) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable;

(B) use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government;

(C) enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out such functions of the Commission as the Commission determines to be necessary; and

(D) incur such necessary expenses and exercise such other powers as are consistent

with, and reasonably required to perform, the functions of the Commission under this section.

(7) SUPPORT.—The Secretary shall provide such office space, furnishings, and equipment as may be required to enable the Commission to carry out this section. The Secretary shall also furnish the Commission with such staff, including clerical support, as the Commission may require.

(8) OTHER FEDERAL AGENCIES.—

(A) IN GENERAL.—Upon request of the Commission, the Secretary may request the head of any Federal department or agency—

(i) to assist the Commission in carrying out this section; and

(ii) to provide such information as the Commission requires.

(B) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission. The detail shall be without interruption or loss of privilege, seniority, pay, or other employee status. The Commission shall reimburse the cooperating Federal agency for the detail of an employee.

(9) FINANCIAL AND ADMINISTRATIVE SERVICES.—The Secretary of the Interior shall provide financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) to the Commission.

(10) APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 6. LIMITATIONS ON PATENTS.

(a) IN GENERAL.—After the date of enactment of this Act, a patent issued by the United States for any claim shall be subject to the requirements of subsection (b) unless the Secretary determines that—

(1) a mineral survey application has been filed with the Secretary or patent application was filed with the Secretary within six months of date of enactment of this Act; and

(2) the claimant has made a discovery of valuable minerals and has met or can meet all requirements applicable to vein, lode, or placer claims and all requirements applicable to mill site claims, as appropriate.

(b) LIMITATIONS ON PATENTED ESTATE.—A patent issued by the United States after the date of enactment of this Act shall be issued only—

(1) upon payment by the claimant of the fair market value for the interest in the land owned by the United States exclusive of and without regard to the mineral deposits in the land; and

(2) upon reservation by the United States of a royalty as provided in section 5.

SEC. 7. PLANS OF OPERATION AND RECLAMATION REQUIREMENTS.

(a) IN GENERAL.—Except as otherwise provided in this subsection, no person may engage in mineral activities on Federal land that cause more than a minimal disturbance of surface resources (as defined in subsection (b)) unless the person has filed a plan of operations with, and received approval of the plan from, the Secretary.

(b) MINIMAL DISTURBANCE OF SURFACE RESOURCES.—As used in this section, "minimal disturbance of surface resources" means minor, short-term alteration of surface resources. The Secretary may establish categories of activities that do not constitute minimal disturbance of surface resources.

(c) ENVIRONMENTAL, LAND USE, AND RECLAMATION REQUIREMENTS.—All operations conducted under a plan of operations referred to in subsection (a) shall be conducted in accordance with all applicable Federal and State environmental laws, including—

(1) the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);

(2) the Clean Air Act (42 U.S.C. 7401 et seq.);

(3) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(4) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(5) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(6) the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.);

(7) the Federal Water Pollution Control Act (commonly referred to as the "Clean Water Act") (33 U.S.C. 1251 et seq.);

(8) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(9) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(10) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(11) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(12) title XIV of the Public Health Service Act (commonly referred to as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.);

(13) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(14) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(15) the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.).

(c) INSPECTION AND ENFORCEMENT.—

(1) INSPECTIONS.—The Secretary shall inspect an operation conducted under a plan of operations once each calendar quarter to ensure compliance with the terms of an approved plan of operations. The Secretary may, at the discretion of the Secretary, conduct inspections more frequently than once each calendar quarter.

(2) ENFORCEMENT.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a claimant who fails to obtain a plan of operations required by this section, engages in unauthorized occupancy under section 9, or who fails to comply with the terms of an approved plan of operations, shall be subject to a fine of not more than $2,000 per day per violation.

(B) CORRECTIVE ACTION.—A claimant shall not be assessed a fine under subparagraph (A) if the violation is corrected, or a means to correct the violation is in place, within 30 days after the date on which the claimant is notified in writing of a violation.

(C) HEARING.—No fine shall be assessed under this paragraph unless the claimant has been given an opportunity for a hearing on the record before the Secretary.

(d) RECLAMATION OF LAND PATENTED AFTER ENACTMENT.—

(1) APPLICABLE LAW.—Land patented after the date of enactment of this Act shall be subject to the mining reclamation laws of the State in which the land is located.

(2) ABSENCE OF APPLICABLE STATE LAW.—In the absence of applicable State mining reclamation laws, land patented after the date of enactment of this Act shall be subject to the Federal mining reclamation laws that would have applied had the land remained in Federal ownership.

(3) RECITATION.—Each patent issued after the date of enactment of this Act shall recite that as a condition of the patent, the land patented shall be subject to the requirements of this subsection.

(4) RECLAMATION.—Public lands disturbed by operations approved by the Secretary shall be reclaimed as required by applicable Federal and State laws concerning mined land reclamation.

SEC. 8. FINANCIAL ASSURANCES.

(a) FINANCIAL ASSURANCES REQUIRED.—Prior to the commencement of any operations on a claim that requires a plan of operation, a claimant shall—

(1) furnish evidence of a bond, surety, or other financial guarantee in an amount determined by the Secretary that is not less than the estimated cost to complete reclamation of the land disturbed by operations as required by this Act and other applicable mining laws; or

(2) provide evidence satisfactory to the Secretary that the area to be affected is covered by a bonding pool that will provide for reclamation of the land disturbed by operations as required by this Act and other applicable mining laws.

(b) REVIEW.—Not later than 5 years after an assurance is provided under subsection (a), and at least each 5 years thereafter, the Secretary shall, after consultation with representatives of the affected States, review the financial assurances.

(c) PHASED GUARANTEES.—The Secretary may adjust the amount of the financial guarantee provided under subsection (a) upon a determination by the Secretary that a portion of reclamation is completed as required by this Act and other applicable mining laws.

(d) RELEASE.—Prior to any reduction in, or final release of, a bond or other financial guarantee, the Secretary shall provide for public notice and comment.

SEC. 9. OCCUPANCY AND RESIDENCY OF CLAIMS.

(a) PROHIBITION.—Subject to the other provisions of this section and valid existing rights, full- or part-time residential occupancy of a mining claim, including the construction, presence, or maintenance of a temporary or permanent structure that may be used for residential occupancy purposes, shall be prohibited.

(b) TRANSITORY OCCUPANCY.—Residential occupancy of a claim for purposes reasonably incident to prospecting, mining, or processing that does not involve surface disturbance extending beyond the period of occupancy shall be permitted for a duration of no more than 14 days upon notice to the Secretary.

(c) TEMPORARY OCCUPANCY.—The Secretary may approve residential occupancy of a claim for a period in excess of 14 days as part of a plan of operations required under applicable law, if the Secretary determines that the occupancy is reasonably required to accomplish such plan. Occupancy under this subsection shall be of no greater duration or extent than is necessary to accomplish the prospecting, mining, or processing incident to the plan.

SEC. 10. MINERAL MATERIALS.

(a) DETERMINATIONS.—Section 3 of the Surface Resources Act of 1955 (30 U.S.C. 611) is amended—

(1) by striking "SEC. 3. No deposit" and inserting the following:

"SEC. 3 MINERAL MATERIALS.

"(a) VARIETIES OF MINERALS NOT DEEMED VALUABLE MINERAL DEPOSITS.—No deposit";

(2) in the first sentence, by striking "or cinders" and inserting "cinders, or clay"; and

(3) by adding at the end the following new subsection:

"(b) DISPOSAL.—

"(1) IN GENERAL.—Subject to valid existing rights (as defined in paragraph (2)), after the date of enactment of this section, deposits of minerals referred to in subsection (a) (except deposits of bentonite and gypsum) shall be subject to disposal under the terms and conditions of the Materials Act of 1947 (30 U.S.C. 601 et seq.).

"(2) VALID EXISTING RIGHTS DEFINED.—As used in paragraph (1), the term 'valid existing rights' means a mining claim located for a mineral material that—

"(A) has some property that gives the claim distinct and special value as described in subsection (a), including so-called 'block pumice' as described in subsection (a);

"(B) was properly located and maintained under the general mining laws on the date of enactment of this subsection;

"(C) was supported by a discovery of a valuable mineral deposit within the meaning of the general mining law on the date of enactment of this subsection; and

"(D) continues to be valid.".

(b) MINERAL MATERIALS SUBJECT TO RIGHT OF THE UNITED STATES FOR DISPOSAL AND SEVERANCE.—Subsections (b) and (c) of section 4 of the Surface Resources Act of 1955 (30 U.S.C. 612) is amended by inserting "and mineral material" after "vegetative" both places it appears .

(c) CONFORMING AMENDMENT.—The first sentence of section 1 of the Materials Act of 1947 (30 U.S.C. 601) is amended by striking "common varieties of".

SEC. 11. RECEIPTS.

Two-thirds of the receipts from location and maintenance fees required by section 4, royalties required by section 5, and payments required by section 6 shall be paid into the Treasury of the United States and deposited as miscellaneous receipts. One-third of the receipts from any claim, patent, or millsite shall be paid by the Secretary of the Treasury to the treasury of the State in which such claim, patent, or millsite is located.

SEC. 12. ABANDONED HARDROCK MINE RECLAMATION PROGRAM.

(a) ESTABLISHMENT.—There is established a program to be known as the Abandoned Hardrock Mine Reclamation Program (referred to in this section as the "Program"). The Program shall be administered by the Secretary of the Interior acting through the Director of the Bureau of Land Management.

(b) DESCRIPTION OF PROGRAM.—

(1) IN GENERAL.—The Secretary is authorized to make grants to eligible States (as defined in subsection (e)) for the reclamation and restoration of land and water resources adversely affected by past hardrock mining (other than coal and fluid known minerals). The grants may be used for—

(A) the reclamation and restoration of abandoned surface mined areas;

(B) the reclamation and restoration of abandoned milling and processing areas;

(C) the sealing, filling, and grading of abandoned deep mine entries;

(D) the planting of land adversely affected by past mining to prevent erosion and sedimentation;

(E) the prevention, abatement, treatment, and control of water pollution created by abandoned mine drainage;

(F) the control of surface subsidence due to abandoned deep mines; and

(G) such other projects as may be necessary to accomplish this Act.

(2) PRIORITIES.—Expenditure of grant funds by the Secretary shall reflect the following priorities in the order stated:

(A) The protection of public health, safety, and general welfare from the adverse effects of past hardrock mining practices.

(B) The restoration of land and water resources previously degraded by the adverse effects of past minerals and mineral materials mining practices.

(c) ELIGIBLE AREAS.—

(1) ELIGIBILITY IN GENERAL.—Subject to paragraph (2), land and water eligible for reclamation expenditures under this section shall be those—

(A) that were mined or processed for minerals and mineral materials or abandoned or left in an inadequate reclamation status prior to the date of enactment of this section;

(B) for which the Secretary (or State) makes a determination that there is no continuing reclamation responsibility under Federal or State laws; and

(C) for which it can be established that the land does not contain minerals that could economically be extracted through the reprocessing or remining, unless the consideration is in conflict with the priorities set forth under subparagraphs (A) and (B) of subsection (b)(2).

(2) SPECIFIC SITES AND AREAS NOT ELIGIBLE.—Areas designated for remedial action pursuant to the Uranium Mill Tailing Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.) or that have been listed for remedial action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) shall not be eligible for expenditure under this section.

(d) ALLOCATION AND EXPENDITURES.—

(1) ALLOCATIONS.—

(A) IN GENERAL.—Funds available for expenditure by the Secretary shall be allocated on an annual basis in the form of grants to eligible States, or in the form of expenditures under subsection (d)(2), to carry out this Act.

(B) DISTRIBUTION.—The Secretary shall distribute the funds equitably to eligible States, giving due consideration to the priorities stated in subsection (b)(2).

(2) DIRECT FEDERAL EXPENDITURES.—The Secretary makes grants to States not eligible under subsection (e) based on the greatest need for the funds pursuant to the priorities stated in subsection (b)(2).

(e) STATE RECLAMATION PROGRAMS.—

(1) ELIGIBLE STATES.—For the purpose of subsection (d), the term "eligible States" are States that the Secretary determines meets each of the following requirements:

(A) Within the State there are mined lands, waters, and facilities eligible for reclamation under subsection (c).

(B) The State has developed an inventory of affected areas following the priorities established under subsection (b)(2).

(C) The State has established, and the Secretary has approved, a State abandoned minerals and mineral materials mine reclamation program for the purpose of receiving and administering grants under this section.

(2) MONITORING.—The Secretary shall monitor the expenditure of State grants to ensure that the grants are being utilized to carry out this Act.

(3) STATE PROGRAMS.—The Secretary shall approve any State abandoned minerals mine reclamation program submitted to the Secretary by a State under this section if the Secretary finds that the State has the means and necessary State legislation to implement the program and that the program complies with this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated such sums as are necessary to carry out this section.

(2) LIMITATION.—The amount annually authorized to be appropriated under this subsection shall not exceed the sums paid into the Treasury of the United States, and deposited as miscellaneous receipts, pursuant to section 11 for the fiscal year preceding the authorization.

Mr. JOHNSTON. Mr. President, reform of the mining law of 1872 has been debated now for decades. During this most recent round of debate, the Committee on Energy and Natural Resources has conducted 7 hearings and received oral testimony from over 80 witnesses since 1989.

I believe reform has been debated long enough. I think that reform should, and can, be enacted this year. All interested parties have had ample opportunity to express their views. At this point, I believe that most parties agree that some change is necessary. The question now is how much change, and what form that change will take.

I think the best place to answer that question is in conference. I have devised a strategy which I think is the best, and perhaps only, way of enacting comprehensive mining law reform. What I have proposed is to pass S. 775, introduced by Senator CRAIG, without amendment. This makes the bill, in effect, only a ticket to the conference committee, without commenting on the substance of the legislation. It is my intention that the provisions of reform be worked out, and written, in conference.

We have had two very goods models for this in recent years. The Senate dealt with both the California Central Valley project water reform legislation and the Alaska Tongass timber reform bill in this manner. Most would agree that those efforts resulted in good public policy. All parties may not have gotten everything they sought, but most involved believed the process ended with reasonable legislation.

It is my belief that we can do as well with mining law reform. It is possible that, without the strategy, we would not be able to enact mining law reform. This way, Members can reach agreements that will be final agreements, and not be asked to commit to a position prematurely in order to move the process forward.

We have taken the first step down this road. The Committee on Energy and Natural Resources reported S. 775 without amendment and by voice vote on May 6, 1993. It is my hope that the Senate today will do the same.

Mr. BUMPERS. Mr. President, as everyone knows, I do not support S. 775, the Craig bill, because in my opinion it does not represent meaningful mining law reform. I have not chosen to oppose the passage of this bill today because I believe that there are no other alternatives for achieving reform except to pass the Craig bill in the Senate and proceed to conference with the House of Representatives. However, I want to take this opportunity to critique S. 775 and outline the provisions which I believe represent comprehensive reform of the 1872 mining law.

PATENTING

The 1872 mining law permits individuals and mining companies to obtain

patents to purchase public land in the West for the bargain basement price of $2.50 or $5 an acre. The Craig bill would modify this rate by requiring that the purchaser pay the value of the surface of the land, regardless of the value of the minerals which also would be acquired. Mr. President, I find it hard to believe that any Member of this body that owned land containing billions of dollars' worth of gold would sell that land at a price based on the value of the surface only. If none of us as individuals would enter into such a transaction, there is absolutely no justification for treating the taxpayers' land with less respect.

Moreover, Mr. President, there is no reason to continue the sale of public land under the mining law at all. In 1976 Congress enacted the Federal Lands Policy and Management Act [FLPMA] which established a public policy against the privitization of public lands. The patenting of Federal land under the mining law runs contrary to this policy and should be abolished once and for all. The maintenance of the claim location system provides a miner with sufficient security of tenure to secure adequate financing for a mining operation. Patents add nothing to this process.

ROYALTIES

Mr. President, while billions and billions of dollars worth of hardrock minerals have been extracted from public lands under the auspices of the mining law, the American taxpayer—the owner of this land—has never received one red cent in royalties. Senator CRAIG's bill would establish a royalty of 2 percent of net income based on the value of the mineral at the minemouth. The concept of a net royalty is completely unacceptable. Royalties are paid to a landowner for the right to extract minerals from his/her land. Generally, these royalties have been assessed on a gross, rather than net, value basis. In fact, the Federal Government receives a gross royalty from companies which extract oil, gas and coal from the public lands. The Government even receives a gross royalty for hardrock minerals which are extracted from Federal land not subject to the 1872 mining law. In addition, all but two States in the West that charge royalties for hardrock mining on State lands assess royalties on a gross value basis.

The mining companies have sponsored and paid for several studies designed to persuade Members of Congress that the 12.5-percent gross royalty favored by the administration and the 8-percent gross royalty provided for in S. 257 would have draconian effects on the industry. These doom and gloom analyses forecast large job losses and significant lost revenue for the Federal Government. However, the only independent analysis on the subject, performed by the Congressional Budget Office, indicates that any job loss resulting from the payment of royalties could be offset as a result of the increased employment associated with the reclamation and cleanup of abandoned hardrock mines in the West. As a matter of fact, over 100 Federal employees are so engaged at this moment.

While the mining industry is crying foul at the prospects of having to pay a royalty for the extraction of minerals on public lands, mining companies find themselves able to afford handsome royalties to private landowners, railroad companies, Indian tribes, State governments and even other mining companies. The American taxpayer is apparently the only entity that does not receive any royalties. Mining law reform legislation must provide for a reasonable return for the taxpayer for it to receive my support.

RECLAMATION

Although there are no Federal statutory reclamation standards for hardrock mining operations on Federal land, the Craig bill fails to correct this situation. Rather, S. 775 provides that reclamation would be subject to already existing Federal and State environmental requirements. While certain Federal environmental statutes, such as the Clean Air Act and the Clean Water Act apply to limited situations, the fact remains that many mining-related environmental consequences do not fall within the purview of these statutes. In addition, State reclamation laws vary in coverage, leaving the environment in a perilous position. Moreover, the State of Arizona has no reclamation requirements at all. We should not be subjecting the future of the Federal lands to State statutes which vary in effectiveness.

Inadequate State reclamation requirements have left the taxpayers of the United States to pick up the tab for the reclamation of the hundreds of thousands of acres at abandoned mine sites on Federal lands. In fact, there are currently more than 70 hardrock mine sites on the Superfund national priority list. According to the Economist magazine, the cost, to the taxpayers, of cleaning up these sites will be in the billions of dollars. It is vital that mining law reform legislation contain reclamation requirements that will provide for sufficient environmental protection.

SUITABILITY

The 1872 mining law contains an implicit presumption that mineral development is the highest and best use of the public land. The Craig bill does nothing to change this condition. In contrast to all other activities on Federal lands, when mining activity is initiated on a valid claim, it becomes the dominant use of the land. Currently, the only thing a land manager can do is to seek a formal withdrawal of the lands for mining. Mining reform legislation must provide the Secretary of Interior with sufficient discretion to treat mining on an equivalent basis with all other uses of the land.

Mr. President, if the 1992 elections had a theme it was that the American people were tired of business as usual in Washington. They are not interested in continuing to permit the privileged few to benefit while the American taxpayers remain uncompensated for mineral extraction on public lands and are left to pick up the costs of massive cleanup efforts. When Members of the House and the Senate convene to work out the final details on mining reform legislation, the American people will be watching closely to learn whether change has really prevailed or business as usual will continue.

Mr. President, I would like to engage the chairman of the Energy and Natural Resources Committee and the chairman of the Subcommittee on Mineral Resources, Development and Production in a colloquy concerning the committee's intent in reporting S. 775 to the floor and the Senate's intent in passing the bill pursuant to a unanimous-consent request.

Over the last 5 years many of my colleagues and I have attempted to enact legislation which would comprehensively reform the 1872 Mining Law. It is now almost universally acknowledged that this antiquated law which governs the exploration, extraction and development of hardrock minerals on Federal lands in the Western United States must be reformed. However, while significant progress toward the passage of meaningful mining law reform has been made in the House of Representatives, the Energy and Natural Resources Committee, the authorizing committee in the Senate, has not reported reform legislation to the Senate floor.

However, as the pressures for reform increased, the chairman of the Energy and Natural Resources Committee devised a strategy to end the stalemate and begin the process by which reform legislation hopefully will be enacted this year. Rather than continuing the acrimonious debate on the subject in committee and on the Senate floor, for yet another session of Congress, the chairman has indicated that S. 775 would act as a vehicle to permit conferees from the Senate and House of Representatives to put together a new, comprehensive, mining reform bill that would be voted on in both Chambers of Congress and hopefully enacted.

Mr. JOHNSTON. That is correct. As we have done on several occasions in the past when the committee could not reach agreement on a particular piece of legislation, the committee has chosen to use S. 775 as a vehicle to permit conferees from the House and Senate to draft a new bill that will hopefully be acceptable to those on all sides of the issue. As I have stated on numerous occasions both prior to and after the committee reported S. 775, I intend to

seek appointment, as conferees, an equal number of proponents of Senator BUMPERS' position and proponents of Senator CRAIG'S position to represent the Senate in the conference. I also intend to try to bring both sides together to ensure that a reasonable bill is arrived at in the conference. In reporting the bill from committee and passing S. 775 in the Senate today, by unanimous consent, we are not taking a position one way or the other on any of the provisions in that legislation.

Mr. BUMPERS. I thank the Senator. As the chairman well knows, I believe that S. 775 is deficient in number of areas. I dare say that a majority of my colleagues in the Senate would agree. Any legislation that reforms the 1872 mining law must: First, be comprehensive in nature; second, provide for a fair return to the American taxpayers for the use of and extraction of minerals from the public lands; third, establish Federal statutory reclamation standards for hardrock mines located on public lands; fourth, provide the Secretary of Interior with sufficient authority to prohibit, limit or condition hardrock mining on Federal lands consistent with the multiple use concept; and fifth, create a fund to enable the reclamation of hardrock mines that have been abandoned. I believe that we can enact such legislation this year.

Mr. AKAKA. I share the optimism and the goals of the senior Senator from Arkansas. As chairman of the Mineral Resources, Development and Production Subcommittee, I have presided over the two most recent hearings the subcommittee has held on the subject of mining law reform. It is clear that comprehensive reform of the 1872 mining law is badly needed. I believe that the strategy of the distinguished chairman of the Energy and Natural Resources Committee will result in the final passage of legislation that will achieve this goal.

Mr. BUMPERS. I thank the chairmen of the committee and subcommittee.

Mr. CRAIG. Mr. President, as I said upon introduction of S. 775, the Hardrock Mining Reform Act of 1993, we all know the mining laws of the United States have been under attack for the past several years. The charges have ranged from "the biggest giveaway of Federal lands" to "mineral production not paying its fair share of the Federal largess." Neither of these charges is correct. This remains true today; however, we have seen an intensified push by special interest groups to attempt to make their case against mining in this country through hyperbole and untruths. I suspect as the other body moves to consider mining law reform, the level of charges against the mining law will intensify.

On April 5, 1993, several of my colleagues and I introduced the Hardrock Mining Reform Act of 1993. Today we pass this bipartisan legislation as an honest and fair legislative answer to the numerous charges that have been leveled against the current mining law.

The production of minerals in the United States is a vital part of our economy. Everything that we do in our day-to-day lives from driving to work to turning out the lights in the evening, involves mined materials. As we move to conference with the other body, we must assure that nothing is done to destroy the mining industry in this country and the jobs that depend on that industry. To do so would not only destroy the lives of the individuals and families whose day-to-day livelihoods depend on mining, but also would adversely affect every American.

S. 775 recognizes that minerals and metals must remain available from the mines of the United States. If we are to continue to be a viable international economic power, we must appreciate the importance of natural resource production from this country's lands and act to assure their accessibility. S. 775 will allow mining to remain an option, under environmentally acceptable conditions, in this country. Legislation before the other body would not allow this option to be kept open—that must not happen.

S. 775 addresses all of the issues that have been raised relating to the mining law. It assures a secure and reliable source of minerals in the United States. It recognizes that mining activities on Federal lands should be consistent with land use plans and conducted in compliance with all Federal and State environmental laws and regulations, including those governing mined land reclamation. It recognizes that the United States should receive a fair economic return from minerals mined on the Federal lands.

The purposes of S. 775 are clear. They are:

First, provide for increased revenues from fees and royalties;

Second, provide for payment of fair market value for the surface of any land patented under the general mining laws;

Third, assure mined lands are reclaimed in concert with State and local reclamation authorities; and

Fourth, establish a hardrock reclamation program for abandoned mines.

This bill accomplishes these purposes while protecting small business and assuring that we will not drive mineral production to foreign shores. It is important to the survival of the mining industry and the communities and families dependent on the jobs created by that industry that as we move toward passage of a bill into law we stick with the tenets of S. 775.

MEASURE PLACED ON CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1313, the National Cooperative Production Amendments of 1993, and that the measure then be placed on the calendar.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. FORD. Mr. President, I ask unanimous consent that during the recess/adjournment of the Senate, committees may file reported legislative and Executive Calendar business on Thursday, June 3, 1993, from 11 a.m. to 3 p.m.

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

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:30 a.m. Wednesday, May 26; that following the prayer, the Journal of proceedings be approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the first hour of the morning business under the control of Senator PACKWOOD or his designee, with the next 45 minutes under the control of Senator DASCHLE or his designee, with the following Senators recognized thereafter for the time limits specified: Senator BAUCUS for up to 15 minutes, and Senators DORGAN and JEFFORDS for a total of 15 minutes; that at 11 a.m. the Senate resume consideration of S. 3.

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

Mr. FORD. Mr. President, I ask unanimous consent that Senator GRAMM, of Texas, be given 15 minutes during morning business under the previous unanimous-consent agreement.

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

RECESS UNTIL 8:30 TOMORROW

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:58 p.m., recessed until Wednesday, May 26, 1992, at 8:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 25, 1993:

DEPARTMENT OF STATE

ELINOR G. CONSTABLE, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERV-

ICE, CLASS OF CAREER MINISTER, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. ROBERT W. RISCASSI [redacted] UNITED STATES ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES H. JOHNSON, JR. [redacted] UNITED STATES ARMY.