HOUSE OF REPRESENTATIVES—*Thursday, September 22, 1994*

The House met at 10 a.m.

The Reverend Dr. Roger L. Dahlin, senior pastor, St. Mark's Lutheran Church, Springfield, VA, offered the following prayer:

Our words to God:

O Lord, may the hope with which we begin this morning not fall prey to either cynicism or expediency but rather emerge at day's end having been filtered through a spirit of compassion and good will.

As the term "occupation" is spoken reluctantly and with uneasiness—if at all these days—we ask that You, O God, truly occupy our spirits, minds, and hearts so that the ideals of truth, peace, justice, and democracy which we lift for the world to see might become translated into work that benefits constituents, friendly collaborators, and cantankerous opponents both domestically and internationally.

Bless our troops in Haiti and those—both military and civilian—who command them. As they have arrived in the spirit of peace, may they also work for peace and depart in peace. May the word that rules this new day indeed be peace—shalom. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. TAYLOR] come forward and lead the House in the Pledge of Allegiance.

Mr. TAYLOR of North Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and concurrent resolution of the House of the following titles:

H.R. 3664. An act to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility; and

H. Con. Res. 285. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 2182.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2067. An act to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes.

The message also announced that the Secretary be directed to return to the House S. 725 entitled "An Act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes," with accompanying papers, in compliance with a request of the House for the return thereof.

REPUBLICANS ESPOUSE NEW TAX CUTS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, the Republican congressional leadership of the House wants to turn democracy on its head.

Instead of representing the people, candidates are coming to Washington to sign a Republican congressional leadership contract that tells them what to think and what is best for their districts.

And just what is in this contract? As Yogi Berra might say, "It's de ja voodoo economics all over again." The contract is warmed-over Reagan-Bush tax cuts for the rich, coupled with increased spending that sticks the middle class with a $1 trillion bill for a party they were not even invited to.

Why would anyone take such an undemocratic approach as to sign a cookie-cutter plan that tripled the national debt in just 12 years? Maybe, it is because every candidate who signs on the dotted line gets to attend a gala fundraiser later that same night to pick up a check from the rich special interests whose taxes they have just pledged to cut.

Mr. Speaker, this is worse than politics as usual. This is open contempt for the American people.

ANNIVERSARY DAY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, today is the 1-year anniversary of the Clinton health care plan.

On such occasions it is customary for the couple to exchange gifts. Now in this case the two parties are the American people and the Clinton plan.

For the American people it will be tough to give a gift to the Clinton plan. I mean, what do you give to the plan that has got nothing?

You cannot give it more mandates, it has already got those. You cannot give it more deficit spending, it has already got that. And you sure cannot give it more government bureaucracy, because it has got that too.

And what will the Clinton health care plan give America on its 1-year anniversary? The same thing it would have given on day one.

It will give the country more rationing, more waiting, more cost, and less choice.

If love is constant, then the Clinton plan surely loves the American people. Thus proving once and for all, the adage that you always hurt the one you love.

FRED GEORGES' 90TH BIRTHDAY—HAPPY BIRTHDAY, DAD

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to a man who celebrates a milestone, 90 years of life. He is a good man who was shaped by faith, faith in his God, his family, his friends, his community, and his country. He traveled thousands of miles to this land, huddled by his mother's side, fleeing oppression.

He studied, learned, excelled, and worked and became one of the best watchmakers and jewelers around. He married, raised, and loved three children and four grandchildren. He prays at Mass daily, puts up the American flag in front of his home, sings the praises of his country and party, and loves a heated debate. His acts of charity and generosity are known and admired by many and his love of driving is now legendary.

He is an extraordinary man, a solid soul, and a solid citizen. This man is my father, Fred Georges. Happy birthday, dad, and God bless you.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

WHAT MULTINATIONAL FORCE?

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, yesterday President Clinton ordered an additional 1,000 military police into Haiti and significantly changed our political and military mission after only 3 days.

Whether we are talking about the ongoing problems in Haiti, Bosnia, or North Korea, it is becoming increasingly clear to our allies and the American public that the administration has no foreign policy rudder.

As late as last Friday, President Clinton spoke of a strong multinational force, consisting of more than 24 nations helping to restore democracy to Haiti. Now however, we now know that this more than a little misleading.

For instance, one of our strongest hemispheric allies and most valuable trading partners, Canada, is not only not sending any troops or materials, but they won't even officially sanction our actions in Haiti.

And aside from the United States, the G–7 countries, the world's most powerful trading block, are only contributing a dozen or so troops, and two support ships.

Mr. Speaker, this should tell us something about this mission and about the state of U.S. foreign policy today.

I wholeheartedly support our troops, who are risking their lives in this exercise in futility, and I pray that we can end this foolishness before we lose a single American life. But we must get our foreign policy priorities back in order before it is too late.

□ 1010

GATT: ANOTHER GOD AWFUL TRADE TREATY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, once again Congress is being pushed, literally, to pass a trade agreement, the General Agreement on Tariffs and Trade, and supporters say that GATT is good for America.

Now, I ask, Mr. Speaker, since when is throwing the Constitution out the window good for America? The fact is, GATT will give away our constitutional authority to make trade policy, will force us to in fact raise taxes, ladies and gentleman, and GATT will allow countries like China, who literally pay pennies per hour in wages, free access to our markets.

Ladies and gentleman, this should not be called a General Agreement on Tariffs and Trade. This is simply another god awful trade treaty, whose biggest export will be more American jobs. Beam me up, Congress. The Constitution says it is our job to regulate commerce with foreign nations, not the World Trade Organization.

Think about it.

HEALTH CARE REFORMS STILL POSSIBLE THIS YEAR

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, what takes a year to die a slow and painful death? The Clinton health care plan. One year ago today, the President presented to the American people his health care plan. And for the past year, the President has sought to ram his health care plan down the throats of the American people. But they have rejected this bad medicine. The American people realize that a Government-run, Government-controlled health care system, is not the remedy they needed.

The Government is already too big and spends too much. We do not need more government and more taxes in our lives.

I am glad everybody learned the facts during the past year about the President's health care plan, but I feel very badly that the insistence on implementation of this plan has kept us from doing some of the things that most people would agree to do to reform in the private sector in terms of health care delivery. We should do this. We should reform insurance, we should have tort reform, we should have antitrust changes, we should be something about administrative costs, and we could, and I hope we still try during this session.

OPERATION UPHOLD DEMOCRACY VITAL TO FUTURE OF HAITI AND AMERICA

(Ms. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McKINNEY. Mr. Speaker, it is not often that the United States intervenes on the side of the poor and oppressed. Those innocent Haitians who greeted arriving United States troops have been robbed of everything they possess, except their hope for the future and their faith in our country. No wonder the gridlock gang is at it again—criticizing this administration's policy because in the past we always seem to have supported the rich, the powerful, and the greedy.

Operation Uphold Democracy must also restore hope to the democratic aspirations of the Haitian people. The military dictators must not remain in power past October 15. President Aristide—a man of peace and reconciliation—is key to Haiti's survival.

Our role in Haiti must be clear—clear to our troops, clear to the Haitian people, and clear to the American people. Disarming the police, the armed forces, and the paramilitary forces must be our first priority.

Operation Uphold Democracy is vital to Haiti's future and to our own. However, there are concerns. Concerns that the recent agreement is signed by a President we do not recognize and seeks cooperation with military leaders we cannot trust. We must assure the Haitian people and the would-be dictators of tomorrow that we will act decisively on behalf of democracy, and that we will see this operation through.

FOCUS ON ACCESS

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, since through action we are not going to expand access to health care, it is imperative that through inaction, we not deny current access to health care to many of America's seniors.

I rise today to ask your support of a simple extension of current law that allows seniors to buy prescription drug coverage, preventive medical care, home-based care, and a host of other supplemental benefits for 10- to almost 40-percent less than they would be able to buy these benefits for in the standard market.

Without our acting to extend our Medicare Select Program, thousands of America's senior citizens will lose access to these extremely cost-effective benefits on December 31, 1994.

Consumer Reports has just rated Medigap policies offered under the Medicare Select Program as among the best in this country. In its August 1994 magazine, Consumer Reports rated the top Medigap insurers nationwide. Of the top 15 rated products, 8 were Medicare Select Medigap managed care products.

In the past, I have introduced legislation to expand this program to all 50 States and make it permanent, and most of the health care reform initiatives that would have come before us would have done this. However, recognizing the tight timeframe we are now under, I am proposing only a straight 2-year extension of the current Medicare Select Program. It is no cost to the Federal Treasury, yet provides substantial savings for America's senior citizens. Further, this program has the support of a broad coalition of senior groups, consumer advocates, and insurers. It clearly deserves the support of this Congress, and I urge my colleagues to join me in sponsoring this bill today.

We have been incapable of action to expand access. We are certainly capable of action to preserve access.

A WALK DOWN MEMORY LANE

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, this morning, I would like to ask my colleagues to take a walk down memory lane.

The year is 1980. And the Republican Party offers its bold agenda for change—

Huge tax breaks for the rich. Massive defense increases. A balanced Federal budget. Best of all, they said their plan was all gain, no pain. They said the tax cuts would pay for themselves, and we would all be better off.

Unfortunately, the rhetoric did not come close to matching the reality. The deficit exploded—from $40 billion in 1980 to almost $400 billion in 1992. And to pay for all those tax breaks for the rich, the Republicans had to launch a dangerous assault on the elderly, and on working Americans.

I think it's important to learn from those lessons of the past. Unfortunately, today's Republican leadership is more concerned with fantasy than with history.

This Tuesday, they are presenting their bold new agenda for change, and it includes—guess what?—tax breaks for the rich. Massive defense increases. A balanced budget amendment.

In other words, it is Reagan reupholstered. The same broken-down, busted piece of furniture—with a new set of seatcovers.

But this time, we will not be fooled. A news report in today's Wall Street Journal called the agenda "well-worn ideas that have failed previously." And it notes that "even the fine print will not spell out how to pay" for them.

In a separate article, the Journal calls these proposals "frauds," "blue smoke and mirrors," "camouflage goodies to upper-income taxpayers," and "upside-down social policy." The Washington Post called it the same "contradiction in policy [that] tripled the national debt in just 12 years" under Reagan and Bush.

In my opinion, it is not too late for the Republicans to take a chapter from history—before they doom us all to repeat it.

REPUBLICANS SAID TO HAVE PRINCIPLES OF REPRESENTATIVE DEMOCRACY BACKWARD

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, next Tuesday, Republican candidates from all across the country will come to Washington to blindly sign a contract pledging their allegiance to the agenda of the Republican leadership in the House of Representatives.

It seems that Republicans need to brush up on the principles of representative democracy. They have got it backward. Republican candidates should not be coming to Washington to bring an agenda back to their districts, they should be bringing the interests of their districts to Washington. This is the people's House. It is a principle that Democrats understand.

That is why Democrats passed the historic crime bill; tax cuts for 15 million working families; student loan reform to help our kids go to college; and job training programs to help non-college-bound kids get better jobs.

Democrats in this body have a record of achievement. We have worked hard to represent the real interests of all Americans and to solve our country's real problems. Those problems cannot be solved with election year gimmickry and empty pledges.

□ 1020

CONTRACT WITH AMERICA

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, Tuesday, September 27, many Republicans say they are coming to the Capitol steps to sign a contract with America. Let us listen to what that contract has in it—always read the big print as well as the small print—$200 billion of tax cuts—everybody loves that; increased defense spending; and a balanced budget, all within 5 or maybe 7 years.

We have heard this riverboat gamble before. It was called Reagan supply side economics. It takes us from less than a $1 trillion national debt to a $4.5 trillion national debt in 12 years.

The Republicans and their contract with America do not mention a few things. They do not mention that they voted against the family tax cut package that passed here and provided tax cuts to 100,000 working West Virginia families. They do not mention the deficit reduction plan that they voted against that has already created record deficit reduction in this country.

Tax cuts, increased spending, and no mentioning where they intend to cut the budget. Mr. speaker, this is not a contract with America. It is a con on America.

MORE ON THE CONTRACT WITH AMERICA

(Mr. LAROCCO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAROCCO. Mr. Speaker, I heard that there is going to be a meeting in Washington, DC, on September 27, and there is going to be some sort of reform movement that was going to be announced. And being a moderate and a deficit hawk, I thought, well, there might be something good about this. So I took a look at it. Like Yogi Berra said, it was deja vu all over again. I could not believe it. I could not believe it. It was voodoo economics all over again. It was a joke that was being perpetrated on the American people.

I came to Congress to reduce the deficit and we have done a good job on that. Like a lot of moderates and deficit hawks around here, I think we could do a better job. I worked on the Penny-Kasich efforts to reduce spending by $29 billion.

Now I look at this effort and I say, where is the beef? What are the cuts? What are they going to be? We have heard it all before. Big tax breaks, increased defense spending, and all it is going to lead to is more deficits. It is going to lead to more deficits, my colleagues. And there is no explanation for it other than to say that it is political year posturing. It will not add up, and the American people will know it is not going to add up.

Then on the reforms, for example, on term limits. If people look at the Members who are heavily supporting term limits, they are way over the limit they are supporting. Look at the names, look how long they have served, look at the hypocrisy. What a joke.

Contract with America? I am for bottoms-up politics, not top-down.

CONCERNING INTRODUCTION OF LEGISLATION TO EXTEND TAX DEDUCTION FOR HEALTH INSURANCE FOR SMALL BUSINESSES

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, yesterday I introduced a bill, with 55 original cosponsors, to make permanent the 25 percent health insurance deduction for small business men and women. Last year, we extended this tax credit in the budget resolution, but only until December 31, 1993. The credit allows small business people to deduct one-fourth of the cost of their health insurance.

I personally would like to see this tax credit expanded, and many Members hoped to include a provision in any health care reform legislation to increase and make this tax credit permanent. However, since passage of a health care reform bill now looks remote, I believe we must, at the very least, preserve this tax deduction for our small business people. One goal of the health care reform effort was expanded coverage. One good way to

achieve this goal is by making this limited deduction permanent.

I urge you to join me as a cosponsor of this bill so that we can, at the very least, preserve this small, but very important benefit, for our Nation's small businesses.

THE PLEDGE OF ALLEGIANCE TO THE NATIONAL AGENDA OF THE REPUBLICAN LEADERSHIP

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, this Tuesday Republican candidates will stand on the House steps to pledge their allegiance to the national agenda of NEWT GINGRICH and the Republican leadership.

Instead of coming to Washington with a message from the voters, they will be going to their districts with a message from the Washington moguls they have submitted to.

When they sign the contract with GINGRICH they will be signing a deposit slip for their campaign funds, because their contract gives tax breaks to the wealthy, and reaps campaign contributions as a reward. It is a contract with Republican Party bosses and the money behind them.

Republican hopefuls swearing GINGRICH's pledge will ally themselves with the Republican leadership's lust for power and the big-money interests that wants them to have it. Never mind the folks back home. It is the Republican Party machine that counts.

THE REPUBLICAN AGENDA

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, next Tuesday, when all the Republican challengers line up on the Capitol steps, and I think they will all be here, I want my colleagues to remember that word around this town is that they are coming because they were told that failure to show up would prevent them from gaining the committee assignments that they want and the money that they need to campaign.

They are coming sight unseen, not to bring an agenda to Washington from the districts in which they wish to represent, but they are coming to Washington to take an agenda back.

Where did this agenda come from? Whose is it? Who has looked at it?

Well, everyone who has had an opportunity to overlook it says it would plunge the United States back into the morass from which we are finally escaping.

This morning in one of our papers we read a very interesting thing about where the agenda came from. A letter went out from the Republican leader, the gentleman from Georgia [Mr. GINGRICH], to some of the wealthiest people in America to contribute heavily to his PAC, which does not share those names or that agenda with us or the people.

However, for a goodly size of money, good amount changing hands, those are the people who were allowed to write an agenda that they expect us to live with.

CONFERENCE REPORT ON H.R. 4606, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. SMITH of Iowa. Mr. Speaker, pursuant to the order of the House of Tuesday, September 20, 1994, I call up the conference report on the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the order of the House of Tuesday, September 20, 1994, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, September 20, 1994, at page H9302.)

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. PORTER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

□ 1030

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill H.R. 4606, now under consideration.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. I rise today to present the conference report on H.R. 4606, the fiscal year 1995 appropriations bill for the Departments of Labor, Health and Human Services, and Education, and related agencies. The full conference agreement, House Report 103–733, was printed in the CONGRESSIONAL RECORD of September 20, 1994.

Mr. Speaker, I am pleased to bring this conference report to the House. It is not news to anyone that budget allocations this year have been very tight, but I think the conferees have produced a bill that reflects the priorities of both the House and the Senate, as well as the administration as well as we could within the budget restraints. We were able to resolve all 157 amendments in disagreement, and in record time. I want to thank Mr. PORTER, our ranking member, and all the other members of the subcommittee for their cooperation and assistance, as well as Senator HARKIN and his subcommittee.

The bill provides $258,580 million for the 3 Cabinet agencies and 14 related agencies under the jurisdiction of the Labor-HHS-Education Subcommittee. This include $13,253 million for the Department of Labor, $216,715 million for Health and Human Services, and $27,428 million for the Department of Education. The bill is within our 602(b) ceilings for both budget authority and outlays. The conference report provides the details of the agreement, but I will note a few highlights here:

Funding for the National Institutes of Health increases by $396 million for a total of $11,334 million.

The Head Start program receives a $210 million increase for a total of $3,535 million.

The Job Corps appropriation of $1.099 billion provides funding for four new centers.

The combined Departments of Labor and Education funding for the school-to-work program is $250 million—an increase of $150 million.

Dislocated workers funding is increased by $178 million to $1,296 million.

The bill contains a prevention initiative that provides a $157 million increase for a variety of disease prevention programs, including a $47 million increase for AIDS prevention, a $22 million increase for breast and cervical cancer screening, and a $17 million increase for chronic and environmental diseases.

Ryan White AIDS treatment funding is increased by $54 million to $633 million.

The bill provides an additional $40 million over the President's request to reduce the backlog of pending Social Security disability claims.

The agreement eliminates funding for 17 programs which the conferees felt were lower priority or whose activities could be absorbed by other programs.

The rescission of low-income home energy assistance funding which was proposed by the President at $745 million and reduced by the House to $250 million has been further reduced to $156 million. The agreement also provides $1,319 million for 1996 advance funding for low-income home energy assistance.

The substance abuse treatment block grant receives a $67 million increase for total funding of $1,234 million.

Goals 2000 education reform activities are funded at $403 million, an increase of $298 million over 1994.

Title I education for the disadvantaged funding totals $7,222 million, which is an increase of $321 million over last year. That has a direct favorable impact on local property taxes in most States.

The bill provides funding for a new activity—elementary and secondary school infrastructure—at a level of $100 million.

Special education receives a $144 million increase, up to $3,253 million.

The TRIO programs for the disadvantaged are slated for a $44 million increase to $463 million.

The bill has two new titles: one providing $35 million for emergency flood appropriations and one including $38 million for crime bill prevention activities under the jurisdiction of our subcommittee. Funding for crime bill activities has been transferred from the 602(b) allocation of the Commerce-Justice-State Appropriations Subcommittee.

The agreement maintains House language pertaining to a 1-year delay in the implementation of the 85–15 rule in the student financial assistance area.

I would simply conclude by saying that I believe the conference agreement is as good as we could produce under the circumstances, and should be adopted by the House. I urge Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend this conference report to the Members, and I want to thank my Chairman, NEAL SMITH, for putting this bill together and running the most efficient conference in memory.

This is no one's ideal bill. Because of the absolute need for deficit reduction, we did not have a big enough allocation to fund the programs we are responsible for, but in the aggregate, this bill is as good as it can be, given the priorities of the Members and the allocation we had to work with.

Above all, the bill is fair, fair to all of the Members, and fair in its allocation of the pain.

The bill contains funding for a new Impact Aid program which I authored and Mr. FORD, Mr. KILDEE, and especially Mr. GOODLING was kind enough to have included in the education reauthorization.

Mr. Speaker, this program provides supplemental funding for those heavily impacted schools that have a high tax effort, despite which Impact Aid falls far short of costs of educating the student, and therefore cannot provide an annual multimillion dollar subsidy to the Federal Government.

The bill contains $40 million for this program that, in at least one instance, will prevent a large school district from closing its doors this year.

While I had hoped that overall funding for Impact Aid could have been higher, I am grateful to Chairman SMITH and the Senate conferees for including the section (f) funding in the bill.

Mr. Speaker, regarding the NIH, I am obviously disappointed that we could not provide more funding.

I appreciate the chairman's effort to provide a $380 million, 3 percent, increase for the NIH, but I am concerned that the increase is less than inflation.

At this rate, we are going to lose new researchers and miss unprecedented opportunities to improve our health.

Mr. Speaker, the NIH is a national treasure.

It does the research that develops vaccines, procedures, and drugs that prevent illness and treat and cure diseases.

The human benefit from NIH-funded biomedical research is immeasurable.

I believe that even within our shrinking resources necessary, of course, to help bring our budget into balance, this subcommittee must find a way to put NIH at a higher priority over the coming years, and Mr. Chairman, I would like to work with you over the break to determine how we can do that.

Finally, I want to commend Chairman SMITH. He took over the committee chairmanship under extremely difficult circumstances and he has worked to engender consensus in every aspect of this bill. Many honestly questioned whether anybody, even Mr. NEAL, could hold the committee together under such difficult circumstances during a period of such fiscal constraint, but the chairman has done an outstanding job. He has surpassed even the highest expectations, and I thank him for his dedication to this bill.

I thank, also, our outstanding staff, Mike Myers and John Blazey on our side, Mike Stevens and a supporting staff on the other side, all of whom do outstanding work for the Congress and for the country. Mr. Speaker, also included in the bill is my amendment on the Child Abuse Prevention and Treatment Act [CAPTA]. The provision limits the ability of the Department of Health and Human Services to deny funding to States based on their decision to respect the rights of Christian Science parents through spiritual healing exemptions.

Federal law specifically allows States to accommodate Christian Science practitioners so long as each State retains the administrative and judicial authority to investigate and order treatment for children when in the State's judgment it is required. I am concerned that the Department has improperly interpreted this aspect of the law and has improperly withheld CAPTA funding from the States. In many of these instances, attorneys at the Department have actually required States to change their laws.

My provision, as modified by the Senate, prohibits the Department from withholding funding based on a State's decision to enact a spiritual healing exemption. The moratorium will provide the authorizing committees the opportunity to fully examine this issue to religious liberty before they reauthorize the CAPTA law next year.

While I am disappointed in the overall funding level for the NIH, I am encouraged by progress on several fronts. The conferees did not include a pause in the reimbursement of indirect costs as proposed by the administration. Rather, the Department and the NIH are encouraged to address this matter in cooperation with institutional funding recipients in a comprehensive manner prior to next year's budget process. In addition, critical funding was provided to continue to critical work of the National Center for Human Genome Research and the Fogarty Center. The bill also continues important funding for the National Center for Medical Rehabilitation Research, diabetes research initiatives and investigation into chronic fatigue immune dysfunction syndrome [CFIDS].

Mr. Speaker, I am very pleased that the conferees adopted the Bonilla amendment which delays implementation of the 85–15 regulation on student loans for 1 year. While I fully support the intent of the regulation and hope that it can be redrafted and implemented quickly, the amendment in its current form is unacceptable. By excluding from the definition of "revenue" any school's private offsite training that is not identical to its onsite Federal training, the regulation would exclude many very fine schools from participation in title IV programs. In addition, because the regulation would apply retroactively, it would not allow schools the time to diversify their portfolios to achieve compliance. For those reasons, I support the Bonilla amendment. However, I encourage the Department to redraft the regulation to more accurately reflect Congress's intent so that this important new check on loan mills may be quickly implemented.

I am pleased that the bill rejected the President's proposal to consolidate and reduce funding for the health professions education programs. In particular, I am pleased that funding was retained for the Podiatric Education Program and increased for the Allied Health Program.

The conference report partially restores a cut in the Medicare contractors payment safeguard account. I believe this funding is critical to limit fraud and abuse of the Medicare program which costs the Federal Government billions of dollars annually. The small investment in payment safeguards returns about $14 in recoveries and penalties for every $1 spent.

I was pleased to propose increases within our budget cap for the protection and advocacy programs for individual rights and for developmental

disabilities. In addition, the conference report includes a small increase for the Recording for the Blind, the primary producer of educational materials on tape for visually impaired students. This organization, which is funded primarily through non-Federal sources and relies almost exclusively on volunteer workers, provides tapes for over 90 percent of visually impaired high school students and a substantial number of university students. While I had worked for a larger increase which would have allowed RFB to pursue new activities in electronic media, I am pleased that some increase is provided.

I am also pleased that the House agreed to the Senate funding level for the Institute of Peace which has contributed greatly to the resolution of international crises worldwide and particularly in the Middle East.

I am concerned about the unwillingness of many members of the subcommittee to engage in hard decision-making. Rather than spreading the pain of spending restraint more or less equally across most programs, as this bill generally does, I believe the committee must reassess the long-term value, effectiveness and viability of every program in this bill. We must be willing to make the decision to provide real increases for those programs, like the NIH that in my judgment are most effective and provide greatest utility. In order to free up the resources to do so, we must be willing to cut or eliminate those programs of least value.

For instance, while the conferees agreed to a substantial rescission in low-income home energy assistance, it cut only a small portion of the $700 million rescission proposed by the President. I commend the conferees for having the courage to eliminate several small and administratively burdensome programs. However, I am concerned that the conference terminated far fewer than the 33 programs recommended by the President and actually initiates several programs newly created under the pending education reauthorization.

Finally, Mr. Speaker, I want to note that I signed the conference report with the exception of two amendments No. 108 and No. 157. The first of these amendments delays obligation of $292 million in special education funding. I have always opposed this practice. It is simply an expedient which promises more funding than we are able to deliver. It is phony money. Worse, it will create outlay problems for us next year when we markup the fiscal year 1996 bill.

Amendment No. 157 contains the so-called crime title of the bill. While the programs funded under this title may be meritorious, I do not believe we ought to establish new programs at a time when we cannot adequately fund existing programs under necessary budget constraints. Further, because these programs were added at the last minute, they were never evaluated by the committee and never competed on the basis of merit for funding against the other important programs in the bill. This is a poor way to legislate, and I cannot support funding these programs at this time.

In sum, this bill is an expedient. It is the best that can be done now to carry the Departments through the next fiscal year. I look forward to working with Members in both Houses and on both sides of the aisle to create a better bill next year.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to make it clear that this is a consensus bill, and I want to commend every member of the subcommittee on both the Republican and the Democratic side, including, of course, the ranking member, the gentleman from Illinois [Mr. PORTER].

Mr. Speaker, even though the amount of money was a large amount of money, it is very difficult to work all the programs into this bill and say that we have funded them adequately. We have done the best that we can within our 602(b) allocation, and every member of the subcommittee has been cooperative. This is a consensus bill without enough money to do all the things that we would like to do.

Also, I want to commend the staff. They have worked very hard on this. We worked back and forth, not only between the minority staff and the majority staff, but also between the Senate staff and the House staff, so I commend this bill on that basis.

Mr. Spea..er, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO], a member of the subcommittee.

Ms. DELAURO. Mr. Speaker, I say to my colleagues that each one of you knows best about all the human services and education needs in your own districts. That is why today I urge you to adopt the conference report on the 1995 Labor-HHS-Education appropriations bill that is now before us. Whether your constituents need help with financing their college educations, looking for work, or getting a life-saving health screening test, this bill contains critical assistance.

It builds on the investments in our children, families and workers that we made in the appropriations bill for this year. In 1995, Head Start will be increased by $210 million so we can get more children off on the right track with better quality programs. We have targeted additional assistance to help our Nation's unemployed workers find new jobs through significantly increasing funding for job retraining, and for the One-Stop-Shop program. These programs will bring a new level of assistance to workers struggling to find new jobs so they can take care of their families.

And because we must assure all of our young people have the education and training necessary to successfully compete for good first jobs, we have significantly increased funding for the School-To-Work Program and the summer jobs program. In addition, vital funding is included for college aid programs that can be the difference in allowing young people to earn a college degree.

The bill also builds upon the investments we have previously made in making our people healthier. Critical increases above last year levels are included for several important disease prevention and care programs: $22 million for the breast and cervical cancer screening program; $47 million for AIDS prevention; $13 million for community health centers; $54 million for the Ryan White AIDS Care programs; $12 million for family planning; $2 million for lead poisoning prevention; $67 million for substance abuse treatment, and $8 million to fight the spread of tuberculosis and sexually transmitted diseases.

Biomedical research is another area that is key to advancing disease prevention and treatment. The bill provides a total of $11.33 billion for the National Institutes of Health. Within that total, breast cancer research will be increased by approximately 17 percent, and AIDS research is also increased and the budget consolidated in the Office of AIDS Research.

And I also want to make note of the funding in the bill for the Low-Income Home Energy Assistance Program. I am pleased that the conferees restored almost all of the cuts the administration had proposed in the LIHEAP Program. While we couldn't bring the program fully back to the 1994 level, I want to thank my colleagues on the conference committee for their support in providing the highest level of funding possible given all the competing priorities in this bill.

As a member of the Labor-HHS-Education Appropriations Subcommittee. I can tell my colleagues the choices that had to be made in order to live within our discretionary budget allocation were extremely tough. So I want to thank our chairman, Mr. SMITH, for his leadership under these difficult circumstances in developing a final product which, while not perfect, indeed responds to many of the most pressing health and education needs of our families and workers.

And I want to commend our ranking member, Mr. PORTER, and all of my subcommittee colleagues Mr. OBEY, Mr. STOKES, Mr. HOYER, Ms. PELOSI, Mrs. LOWEY, Mr. SERRANO, Mr. YOUNG, Mrs. BENTLEY, and Mr. BONILLA for their hard work and consideration as

we worked together on the bill. Finally, I want to thank the subcommittee staff and the Members' staff for all of their hard work throughout the year.

Mr. Speaker, again, I urge my colleagues to support this conference report. There is no question that many, many programs funded in this bill deserve an even greater level of resources, however, given the tough discretionary spending limit we faced, the conferees did the best that could be done under these circumstances.

□ 1040

Mr. PORTER. Mr. Speaker, I yield 7 minutes to the gentleman from Texas [Mr. BONILLA], a very able and active member of our subcommittee.

Mr. BONILLA. Mr. Speaker, I rise to join the distinguished gentleman from Iowa to walk down the center of the aisle today in support of the people's bill because this bill affects and protects almost every American. In the words of our late Chairman Natcher, "This is a good bill."

I am pleased to report that we adequately funded the most important programs and tough decisions were made. This conference report has no earmarks and is $6.6 billion less than last year's bill.

I want to commend Chairman SMITH, and my ranking member, Mr. PORTER, and their hard-working staffers for their dedication in crafting this conference report. I might add that this conference report is on the House floor 15 days earlier than it was last year which is due in large part to Chairman SMITH's leadership. Our conference committee was able to resolve 157 amendments in disagreement quickly.

I want to highlight a few vital rural programs for my rural colleagues. I think this conference report continues the good faith effort to provide access to health care in our rural communities. Overall spending has been increased by 3 percent on programs that greatly affect rural health care. There is positive health care reform in this report.

Community and migrant health care funding has been increased 3 percent to provide comprehensive primary health care in our rural communities. Last year these centers serviced over 7 million Americans.

The Area Health Education Centers [AHEC] have been increased 10 percent while the border health centers funding has been increased by 24.5 percent. The AHEC Program links University Health Service Centers with community health service delivery systems to provide training sites for students, faculty, and practitioners.

The Border Health Education Centers fund schools to support health education and training centers to improve the supply, distribution and quality of health personnel along the border between the United States and Mexico.

Rural Americans will continue to benefit from funding of seven nursing programs. These nursing programs will continue to increase the number of nurses and encourage more men and women to enter the field of nursing.

The allied health grants were increased 12 percent to address the growing shortage of allied health personnel in both rural and urban areas. The Physicians Assistants Program which delivers health care and emergency services in rural areas is funded.

The Family Medicine Residencies Program has been funded to provide grants to medical schools to teach family medicine programs that are greatly needed to field the demand for doctors in rural America.

Rural health research and rural outreach grants have been increased to coordinate public and private sector efforts nationwide to strengthen and improve the delivery of health services to populations in rural areas, they provide health services to rural populations not currently receiving them and enhance access to and utilization of existing services.

Turning to funding for the National Institute of Health, every member on the subcommittee is a supporter of basic research and each one of us recognizes the pivotal role that Government support can play in achieving medical breakthroughs.

However, this is the first year that we were unable to provide NIH with an increase that offsets inflation. All of the subcommittee members are troubled over this. If we are to continue as the world leader in technological advancement, America must continue to support biomedical research. I believe expenditures for research represent a sound investment.

Also included in the bill is section 510 which delays for 1 year the planned termination of Federal education assistance under the 85–15 rule. Some 364 of my colleagues voted to keep the 1-year delay of the 85–15 rule and we were successful in keeping it in the conference report.

I want to thank all the members who signed various letters in support of the delay. I would like to especially thank chairmen FORD and KILDEE, ranking Republican members GOODLING and PETRI for their leadership and assistance on this issue along with the 70 percent of the authorizing members who signed letters of support.

The bill also contains funding for the research, prevention and education on diabetes. Diabetes is a tremendous public health problem in this country. More than 14 million Americans have the disease and nearly 650,000 new cases will be diagnosed this year.

Of particular concern to me is the disproportionate impact diabetes has on racial and ethnic minority populations, particularly Hispanics. More than 1 million Hispanics, nearly 1 in 10 adults, have diabetes.

These individuals are at substantial risk for developing one or more of the disease's debilitating complications: kidney disease; leg, foot, and toe amputations; blindness; heart disease, and stroke.

This bill responds to this need by increasing the funding for the National Institute for Diabetes, Digestive, and Kidney Disease and the National Eye Institute by a little more than 3 percent.

The Center for Disease Control's Diabetes Translation Program will be increased by 9 percent to continue to expand the program to more than 40 States.

Mr. Speaker, my colleagues should also be aware that both the House and the Senate reports contain language instructing the wage and hour division at the Department of Labor to reexamine hazardous occupation order number 12 as it applies to the use of cardboard baler and compactor machines. A report is due in 90 days concerning what changes should be made to this outdated order that is penalizing teenagers who work in grocery stores.

At a time when 1.3 million teenagers are unemployed, it seems counterproductive to have regulatory policies that discourage their hiring.

Finally, Mr. Speaker, I want to talk about one of the most important issues concerning Hispanics. For the first time in the higher education budget Hispanic serving institutions have their own individual line item. The HSI program will help provide access to over 450,000 Hispanic students nationwide to a good, quality education. A good education is America's great equalizer. Equal access to education is the means to bring the American dream to all Americans.

Projections show an increase in the number of Hispanics going to college over the next few years. These students often do not follow the "traditional" college track—entering college full-time the fall after high school—many do not complete their studies and earn a degree.

Many Hispanics enter the work force before college or are forced to drop out because of financial or other problems.

HSI's place more focus on the unique needs of Hispanics and offer educational opportunities for Hispanics who otherwise might not go to college.

I believe this conference report would make Chairman Natcher proud. We are taking care of the health of our people and we are educating our children, and we will continue to live in the strongest country in the world.

Mr. Speaker, I urge my colleagues to adopt the conference report.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume for the purpose of engaging in a colloquy with the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Maryland.

Mr. MFUME. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is my understanding that at no point in the conference report is there language that in any way limits the number of Social Security Administration employees who may receive bonuses in fiscal year 1995.

Mr. SMITH of Iowa. That is correct.

Mr. MFUME. Mr. Speaker, it is my further understanding that while there have been unfortunate incidents in the past involving unwarranted and extravagent bonuses for a few select senior employees, it is the expectation of this Congress that safeguards have been or will be established to prevent such abuses from occurring in the future. Furthermore, as I understand it, it is not the intention of the conference committee or this report to discourage the Social Security Administration from rewarding lower-level employees with small bonuses, many for a job well done, of whom have been faced with a workload that has increased by as much as 70 percent over the last decade.

Mr. SMITH of Iowa. That is correct.

Mr. MFUME. Last, Mr. Chairman, I would like to clarify for the record that these bonuses come from the general Social Security Administration salary fund, and therefore will not result in any decrease in funding for Social Security recipients.

Mr. SMITH of Iowa. That is correct.

□ 1050

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. PELOSI], a valuable member of the subcommittee.

Ms. PELOSI. Mr. Speaker, let me begin by expressing my thanks and admiration for our chairman, the gentleman from Iowa, Mr. NEAL SMITH. He has taken up where Mr. Natcher left off and has worked with the members of the subcommittee to shape a bill that responds to the many challenges that face our country.

He has done so with the cooperation and guidance of our distinguished ranking Republican, the gentleman from Illinois [Mr. PORTER]. Together they have provided the leadership that makes our subcommittee proud. The gentleman from Iowa [Mr. SMITH] has brought his own brand of leadership to our subcommittee and has taken into consideration the many concerns of this Congress, our country and the subcommittee members and exacted some compromises from all of us, and that is what leadership is all about.

Mr. Speaker, I rise in support of the conference report on the Labor, Health and Human Services, and Education appropriations bill for fiscal year 1995.

Let me begin by expressing my thanks and admiration for our chairman, Mr. SMITH of Iowa. he has taken up where Mr. Natcher left off and has worked wth the members of the subcommittee to shape a bill that responds to the many challenges that face our country. He has done so with the cooperation and guidance of our distinguished ranking Republican, Mr. PORTER of Illinois. Together they have provided the leadership that makes our subcommittee proud.

Mr. Speaker, this bill has been developed within the budget discipline required by the revised Budget Enforcement Act. Discretionary spending for fiscal year 1995 will actually be less than for this fiscal year—the first reduction in discretionary spending since 1969. While budget discipline is necessary, it is particularly painful when it comes to this bill. Virtually every program in this subcommittee's jurisdiction is deserving of higher levels of funding. As I frequently tell our chairman, there are no bad programs in our bill. That makes deliberations over relative priorities very difficult work.

I particularly commend Chairman SMITH for his leadership in shaping the public health prevention initiative in this legislation. For our extensive hearings, it became clear that before doing anything else, the committee had to rebuild basic public health prevention programs. Thus, the bill contains $157 million in new funding for a package of 14 programs at the Centers for Disease Control and Prevention [CDC] and the Health Resources and Services Administration [HRSA].

The bill contains increased funding for the CDC to fund unmet needs identified by the nearly 300 community-level planning groups across the country implementing HIV prevention reform. These HIV prevention reforms, along with the new strategic planning authority and other reforms at the Office of AIDS Research at the National Institutes of Health, bring new hope to our Federal AIDS response.

This bill also contains funding which responds to many challenges regarding women's health. Funding for breast cancer research is increased by 17 percent at the National Cancer Institute. Funding for breast and cervical cancer screening at the CDC is increased by 22 percent triggering important provisions in the authorizing legislation allowing more comprehensive preventive health evaluations for low-income women. Funding for control of sexually transmitted diseases is increased to allow for chlamydia and other diseases of concern to women.

The bill also provides for significant increases for the President's investment including the National Institutes of Health, Head Start, drug treatment, and an initiative to respond to the backlog in disability claims at the Social Security Administration.

The Department of Labor has received well-deserved new resources to respond to the needs of dislocated workers and disadvantaged youth. The bill continues our commitment to expand on the Jobs Corps and funding to continue our commitment to the Summer Youth Employment and Training Program.

The Department of Education has received funds to implement Goals 2000, School-to-Work, and to expand on educational technology. The bill maintains our commitment to financial assistance for low- and middle-income students to attend college and expands on access to higher education for minority students.

Again, I commend our chairman and the ranking member and our wonderful staff for their leadership, and urge our colleagues to support this conference report.

Mr. SMITH for Iowa. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the conference report on H.R. 4606, a bill to make appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for fiscal year 1995.

I want to begin by commending the leadership of the subcommittee chairman, Congressman NEAL SMITH. I congratulate Chairman SMITH for leading the way in meeting the difficult challenges we faced in developing the fiscal year 1995 bill—and for working with the Senate to craft a compromise bill that reflects our priorities as well as the budget constraints. I also commend the full committee chairman, Congressman OBEY, for his leadership throughout the entire appropriations process. And of course we cannot do this without our entire staff led by Mike Stephens. You have been superb and a pleasure to work with.

The conference report on H.R. 4606 responds to the challenge facing the Federal Government. The bill cuts funding in low-priority areas and invests in high-priority, proven programs. The bill represents another step toward reducing the Federal deficit, and, at the same time, directs our budget priorities toward investments in families and children—the foundation of this Nation's productivity and social fabric.

The $252.9 billion provided by this bill represents a cut of $6.6 billion below the fiscal year 1994 bill. In addition, the conference report provides more than $1.5 billion less than the amount requested by the President and eliminates 17 Federal programs. This is a tough bill, containing cuts which many will find difficult to accept. In fact, there are many worthy programs for which funds have been cut. But as we all know, the Federal Government must adjust to these tight fiscal times. We must focus our limited resources where they are needed most—in programs that address crime, economic

competitiveness, public health, education, and the breakdown of our families and communities.

The investments contained in the conference report on H.R. 4606 are essential. They will expand economic opportunities for dislocated workers; invest in programs to improve schools across the country; provide greater support for preventive health and biomedical research, including a significant increase in funding for breast cancer research; help the fight against public health threats; and expand effective programs like Head Start and Job Corps; and support programs to reduce fraud and abuse in Government loan programs.

Mr. Speaker, the American people rightfully continue to demand performance and accountability from government. Congress must demonstrate its commitment to the American people by making sound, thoughtful decisions about national investments. The conference report on H.R. 4606 is a forward-looking and responsible bill. I urge my colleagues to support this bill.

Mr. PORTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Maryland [Mrs. BENTLEY], a very able and hardworking member of our subcommittee who we are going to miss a great deal on both the subcommittee and in the Congress.

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from Illinois [Mr. PORTER] for yielding me the time.

Mr. Speaker, the conference report we have before us today is the product of long hours of work by my two friends, the chairman, Mr. SMITH, and the ranking member, Mr. PORTER. Both of them, and their staffs, have worked countless hours on this bill, and deserve much credit for the fact that we are here on the House floor a full week before the end of the fiscal year.

In the interests of time I will mention only a few key programs which I believe are very important, and am very pleased to see funded. The first is the Healthy Start Program. This program was launched several years ago in an effort to reduce infant mortality—targeting several high risk areas around the Nation.

Baltimore was one such area, and already we have seen success in reducing the number of low-birthweight babies—one of the leading causes of infant mortality.

Interestingly, last night the daily print press today and NBC News ran stories about a just-released study that showed a significant percent of premature babies suffer severe long-term effects including sight impairments and very low IQ's. Programs such as Healthy Start attempt to keep both mothers and babies healthy, in order to prevent problems from arising in the first place. Thus I was very pleased that the funding was increased from nearly $100 million in fiscal year 1994 to $110 million in this bill.

And second, I am pleased that several small programs which help families in need and the frail elderly also were increased. Sometimes it is the little programs which couple matching State or private dollars with unique local initiative that often yield the best results.

Mr. Speaker, for the past 2 years I have had the honor of serving on this distinguished subcommittee, both with the incomparable Chairman Natcher, and now with my friend NEAL SMITH. Both chairmen have served this House with distinction, and I will be able to say with true pride that I participated in a small way in their efforts.

Also I again want to commend our ranking member, JOHN PORTER, his staff, and the overall subcommittee staff headed by Mike Steven and the full committee chairman, DAVID OBEY.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Speaker, I rise in support of the conference agreement on H.R. 4606, making appropriations for the Departments of Labor, Health and Human Services, and Education, as well as several related agencies.

First, I would like to congratulate our chairman, the gentleman from Iowa [Mr. SMITH], for the job he has done in bringing this very large, complicated, and important bill through conference and to the floor today. Suddenly thrust into the chairmanship by the illness and death of our revered former Chairman, Bill Natcher, NEAL SMITH did an extraordinary job of mastering the details of this legislation and producing as fair a bill as anyone could expect, given the tight budget caps we are working with.

I would also like to thank our ranking minority member, the gentleman from Illinois [Mr. PORTER] and the other members of the subcommittee for their support and cooperation throughout the process of bringing this bill to the floor.

And I salute the very professional staff of the subcommittee for all the long hours and hard work they put into this legislation.

Mr. Speaker, this is one of the most important bills Congress considers each year. It is the key to the Nation's well-being: It funds health, education, social, and employment services that touch every person in the United States and provide the means for all of us to live healthier and more productive lives.

Of course, Mr. SMITH has given an excellent summary of the major provisions of the conference agreement; I would like to mention just a few items.

The bill increases the Nation's investment in our children, with increases in funding for Head Start, Healthy Start, and childhood immunizations.

The bill provides increases for disease prevention and health care programs that will go a long way to saving lives.

The bill continues and expands efforts to improve the health status of minorities in the programs funded in the bill—to ensure that we know more about variations in health and to assure appropriate access to necessary services.

The bill increases funds for key employment and training programs and continues the expansion of Job Corps.

The only shortcoming in this bill is that available resources do not permit us to do all we should do to meet the Nation's needs, but under Mr. SMITH's leadership, it does the very best that we can do.

Mr. Speaker, I urge every Member to support this conference agreement.

□ 1100

Mr. PORTER. Mr. Speaker, I yield 5 minutes to our very distinguished colleague, the gentleman from Pennsylvania [Mr. GOODLING], the ranking member on the Subcommittee on Education and Labor.

Mr. GOODLING. Mr. Speaker, I want to thank both the chairman, the gentleman from Iowa [Mr. SMITH], and the ranking member, the gentleman from Illinois [Mr. PORTER], and all of the conferees. They deserve a great deal of credit for bringing this conference report before us under the tight constraints of the budget caps.

I would like to comment on some specific areas of the conference that touch upon programs authorized by the Committee on Education and Labor, of which I am the ranking member.

I am extremely pleased by the generous increase provided to the Even Start Family Literacy Program, and I want to repeat: Family Literacy Program. Even Start has proved to be a very successful family literacy program which not only raises the educational level of parents and helps children become ready for school but provides the parents with the parent training necessary to allow them to truly be the first and most important teacher that the child will ever have. It is unfortunate that it took us this long, the last 5 years, to get to the point where we understand that family literacy is the issue, and you must deal with the entire family or you can never break the cycle. Had we thought of this 30 years ago when Head Start was implemented, the Head Start expenditures of over $17 billion would have been much better spent. Fortunately we have changed that program now also to deal with the whole idea of family literacy and parenting.

I am pleased the conferees provided $347 million for the Chapter 2 Program. I wish we could have had more, because it is the only flexible program where local school districts can use their innovative and creative ideas to bring about education reform. Unfortunately the administration, my committee,

both on the House and Senate side, have decided that it is very important to pump all sorts of dollars into upgrading teacher training, not teacher training, but that could be upgraded, and it would help, but to give more training to teachers on the job. The problem is you can train and retrain and train again, but if when they come back they have no money, no flexible dollars to put into place the new ideas, the new curricula, the new materials and equipment that are available, then, of course, all of this training goes for naught.

I am also very concerned about who retrains the people that have already been trained. I am afraid it is the same people who trained them in the first place.

I want to commend the conferees for including the House language on the 85–15 rule. The conference report's delay in the effective date of this regulation will allow institutions sufficient time to comply with its intent.

I am very pleased that the conferees were able to increase funding for IDEA. We must all understand that it was an unfunded mandate that came from the Federal Government, the most expensive education that local districts and States must provide. We promised them 40 percent of the money, and we have never sent them more than 10 percent, and so I am pleased that the conferees were able to increase that funding. I hope we will keep this in mind each year when we think about the mandate that we sent out there and the lack of money that we sent with it.

While I would have kept the funding at current levels, I do respect the conferees' more reasonable tradeoff between Head Start and LIHEAP.

In the area of job training, I commend the conferees for recognizing as priorities programs for dislocated workers, school-to-work transition, and funding for the one-stop delivery of job training services. I do, however, encourage the Committee on Appropriations to work with those of us on the authorizing committee in the coming year to develop a true system of work force preparation in this Nation that is both efficient and effective. We must bring the 150 programs that GAO says probably under one roof would be the best idea rather than a dozen downtown, perhaps under one committee would also help, but above all, we must deal with what I introduced, the Careers Act, which would consolidate at least 89 of these 150 programs.

I am opposed to a provision which was included by both the House and the Senate which prohibits the Department of Labor from implementing or administering the Davis-Bacon helper regulation. Helper regulations authorize the use of semi-skilled workers working under the direct supervision of higher-skilled journey-level workers to be employed on Federal construction projects. I think all the training we can give these people is very, very important, and since we put out an awful lot of the contracts, it would be, I think, very appropriate to have them on contracts that are Federal construction projects.

I noticed that OSHA's budget for enforcement activities would increase by $10 million, which is 5 percent. Compliance would only increase by 2 percent. I hope we can emphasize cooperation among employers rather than a heavy hand in relationship to enforcement.

I appreciate the generosity of the Speaker.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. STOKES], who not only is chairman of a subcommittee and had a full plate there, but participated in a great extent with us in developing this bill.

Mr. STOKES. Mr. Speaker, I rise in support of H.R. 4606, the fiscal year 1995 appropriations bill for the Departments of Labor, Health and Human Services, and Education. Under the direction of our chairman, the distinguished member from Iowa, Mr. NEAL SMITH, we crafted a bill which recognizes the competing quality of life needs of all Americans. Our chairman is to be commended for his steadfast leadership in bringing H.R. 4696 to the floor.

I also want to recognize the gentleman from Illinois [Mr. JOHN PORTER] the ranking minority of our subcommittee. He contributed significantly to the crafting of H.R. 4606.

Drafted against the backdrop of the rigid fiscal parameters of the budget resolution, H.R. 4606 provides a balanced approach to supporting competing, high priority quality of life programs. The $258.6 billion appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies is $1.6 billion less than the President's budget request for discretionary programs and $2.9 billion over the 1994 funding level for discretionary programs. The $258.6 billion appropriation includes $13.3 billion for Labor, $216.7 billion for Health and Human Services, $27.4 billion for Education, and $1.2 billion for related agencies.

While maintaining overall program allocations within the confines of the subcommittee's 602(b) ceiling, significant increases were provided for a number of programs including Job Corps, Head Start, low-income home energy assistance, biomedical research, AIDS prevention, breast cancer screening, healthy start, magnet schools, and student aid. I am proud to have been able to assist in securing increased funding for these quality of life programs.

The bill includes $2.1 billion to expand and strengthen disease prevention and control activities at the Centers for Disease Control. This account includes $590.2 million for AIDS prevention, $100 million for breast cancer screening, $139.9 million for chronic and environmental disease prevention, $45 million for injury control, and $36.4 million for lead poisoning prevention. The resources provided within the account will also allow the Centers for Disease Control to strengthen and enhance the participation of community-based organizations in its outreach and education activities.

To ensure continued improvements in the diagnosis, treatment, and prevention of disease, the bill includes an $11.3 billion appropriation for the National Institutes of Health. These resources will permit the National Institutes of Health to exploit opportunities that would further advances in the early detection, treatment, and prevention of cancer, heart disease, stroke, AIDS, sickle cell disease, infant mortality, diabetes, asthma, and many other diseases, disorders, and disabilities.

Conference report language has been included to address the need for additional research on asthma. The report language calls for the National Institute of Allergy and Infectious Diseases to provide a detailed progress report on its national cooperative inner city asthma study and its plans to address asthma in high-risk populations prior to the fiscal year 1996 appropriations hearings.

Mr. Speaker, I am especially proud of the investment amendments that I authored. For example, within the Department of Health and Human Services account, funding investments are provided to expand opportunities for minorities in the health professions; to ensure and improve the delivery of health care services; to ensure increased participation of minorities in the conduct of biomedical research and research training; and to expand opportunities for increasing participation in higher education.

More specifically, the bill includes $26.7 million for health professions careers opportunities, $18.3 million for scholarships for disadvantaged students, $11.1 million for exceptional financial needs scholarships, and $9.5 million for public housing health service grants.

Conference report language has been included to ensure disadvantaged students a choice of health profession careers. The language states that all health professions disciplines are to be made eligible to participate in the Scholarships for Disadvantaged Students Programs. With respect to nursing, the conference report includes language encouraging the Health Resources and Services Administration to take the steps necessary to increase the representation of African-Americans in the various nursing professions including full-time nursing faculty and advanced nurse practitioners.

Within the Department of Education account, the bill includes $111.5 million for magnet schools, $109 million for strengthening historically black colleges and universities, $19.6 million for graduate programs, $3.7 million for faculty development, and $206.5 million for Howard University.

Mr. Speaker, I again commend our chairman, Mr. NEAL SMITH, for displaying remarkable skill in balancing the many high priority, and competing interests contained in H.R. 4606. I am proud to ask my colleagues to join me in support of H.R. 4606, the bill establishing the fiscal year 1995 appropriations for the Departments of Labor, Health and Human Services, and Education.

□ 1110

Mr. PORTER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I thank the gentleman for yielding to me.

Let me join the gentleman and many of my colleagues in saying thank you, and high praises to both the new chairman of the subcommittee, the gentleman from Iowa [Mr. SMITH], and the ranking member, the gentleman from Illinois [Mr. PORTER], and their staffs, whose cooperation on so many of these issues with those of us who have high interest in the educational elements and the training elements in this bill.

I wanted to bring to the attention of my colleagues a provision in this bill funding, for the first time ever, the 21st Century Community Learning Centers. This is a provision I worked very closely with Senator JEFFORDS on in the other body because it is the beginning of our attempt in this country to assist local community schools in designing the infrastructure and delivery systems for responding to the high-tech interactive life-long learning that every community in this country is going to need.

I am very proud to have been a sponsor of the authorizing bill, which is in conference as we speak, and I am proud to be a part of the successful effort to fund this for fiscal year 1995. This is a very good bill. It is a very pro-children bill, pro-education bill for investment in our future under very difficult circumstances. These gentlemen deserve our thanks and appreciation.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to another chairman of the subcommittee, the gentleman from Maryland [Mr. HOYER], who helped us a great deal through this in spite of the fact that he had a big job to handle the chairmanship of another subcommittee.

Mr. HOYER. I thank my chairman for yielding. Those of us who have served on this subcommittee for a long period of time, as I have since January 1983, have served with the gentleman from Iowa [Mr. SMITH] who has now become the chairman of the subcommittee following a historic predecessor William Natcher of Kentucky.

NEAL SMITH is a quiet but effective leader of this House. He is an extraordinarily effective leader of the Labor, Health and Human Services Subcommittee of the Committee on Appropriations. It is because of NEAL SMITH's leadership, I think, that the American public sees the unity of purpose reflected by the debate on this floor. It is because of his vision for the children of this country, the seniors of this country, and the workers of this country, that we see the kind of bipartisan, overwhelming support for this legislation.

I want to congratulate our new chairman, NEAL SMITH, who brings this bill to the floor for the first time after going through a full cycle.

Mr. Speaker, as a member of the subcommittee, I know how difficult it was to meet the many needs of the programs funded through this bill. As we all know, the budget pressure was immense. In fact, as the American public undoubtedly knows, because we are fighting strenuously and successfully to bring down the budget deficit, we have constrained discretionary spending very sharply. And the Appropriations Committee will report less spending of discretionary dollars this year overall than we did last year. This is the first time that has happened since I have been in the Congress.

However, notwithstanding that pressure, we were able to give important programs like Head Start, Title I, Goals 2000 and Job Corps significant increases in revenue but only a fraction of what we need to invest to make this country even greater.

In addition, not only substantively was the leadership of NEAL SMITH and the ranking member, the gentleman from Illinois [Mr. PORTER], critically important in reaching this objective but also procedurally, all the members of the subcommittee on both sides of the aisle were included in discussions about the priorities. Making this the shortest conference on this bill that I have been involved in. Again because of the leadership of the gentleman from Iowa, who worked with his counterpart in the other body, Senator HARKIN, in bringing consensus to a difficult bill.

We come to the floor today with a conference report which will touch so many in our country—from the young to the old, the educated to the less educated, the sick to the healthy and the employed to the unemployed.

Programs in this bill, programs such as Head Start—to provide a strong educational foundation to our young people; community service employment to older Americans—to engage our older members of society in worthwhile contributions to our communities; Job Corps funding to provide training and skill-building expertise to adolescents; advanced nursing education and health professionals research funds to assure a strong and educated health care work force; funding for continued research on breast cancer, AIDS, mental health disorders, and drug abuse.

This conference report represents the heart and soul of the appropriations process. This bill, as Mr. Natcher called it, was the peoples bill; the needs of the people for good health, quality education, reliable work are addressed in this bill.

In closing, Mr. Speaker, I would like to commend the subcommittee staff for their fine work. They do extraordinarily conscientious work on behalf of this subcommittee, and it shows in the product. Mike Stephens, Sue Quantius, Bob Knisely, Mark Mioduski, Joanne Orndorff, and Meg Holland have all been a pleasure to work with and they have been effective.

Mr. Speaker, as our former chairman used to say, if you take care of the education of our children and the health of our people, you will continue to live in the strongest country on the face of the Earth. Mr. Speaker, Bill Natcher, if he were here today, would say this is a good bill, he would tell us that frankly, and he would then say that NEAL SMITH and JOHN PORTER have followed in the footsteps of Bill Natcher and Sil Conte in a manner to make them proud.

Mr. Speaker, I urge my colleagues to fully support the product of our committee.

Mr. PORTER. Mr. Speaker, I have no further requests for time on our side, and I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. KENNEDY] for purpose of a colloquy.

Mr. KENNEDY. I thank the gentleman for yielding this time to me.

Mr. Speaker, first of all, I want to commend Chairman NEAL SMITH for the tremendous job that he, along with the gentleman from Illinois, [Mr. PORTER] have done on this important bill, which provides us with the funds that are necessary to do the research on many of the illnesses and diseases that are the causes of so much turmoil in our country.

I want to commend the gentleman from Iowa [Mr. SMITH] for the broad leadership he has shown in the Congress over the course of his many years of service here and say what a pleasure it is to work with him on a number of issues that he and I have an interest in.

I particularly want to commend the gentleman, members of his subcommittee, and his staff for their efforts to have the 1995 Labor-HHS Appropriations Act deal effectively with the additional resources needed to determine the cause and finding ways to reduce and eliminate the problems relating to diabetes. This is an issue that is the

leading cause of blindness and the third leading cause of death among the American people. We need to delve into the causes of the disease, which I believe sooner rather than later we must find a cure for. The resources that Chairman SMITH has decided to put into this area will hopefully further research to eliminate the death, disability, and human suffering associated with diabetes.

But I just want to say that we appreciate the chairman's efforts. I want to make certain that his feelings were as mine were, that the money will go, in fact, for the research into blindness as well as for the causes of death relating to diabetes.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY. I yield to the chairman.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Speaker, I would say to the gentleman that diabetes is a very high priority of this subcommittee. It is a killer of an awful lot of people. In addition to that, it causes long illnesses and great disability.

It is a very high priority for this subcommittee, and I thank the gentleman for his interest.

□ 1120

Mr. KENNEDY. Mr. Speaker, I thank the subcommittee chairman very much, and I look forward to working with him in the years ahead.

Mr. FRANKS of Connecticut. Mr. Speaker, earlier this year the House passed a bill reauthorizing the Low-Income Home Energy Assistance Program, commonly referred to as LIHEAP. Back then I stated that this program has been effective in helping poor people, especially children and the elderly, to get through the cold winters experienced in much of the country. Washington may stay warm far into the fall, but on this last day of summer Connecticut is already feeling the crisp, cool mornings signifying that autumn is here and winter is not far behind.

It is unfortunate that President Clinton did not have some reminder of winter the day he decided to present a budget cutting LIHEAP by 50 percent. Last winter, LIHEAP provided winter heating assistance to over 75,000 Connecticut families. About 40 percent of these recipients were elderly or disabled, and another 55 percent of the recipients were families with children. With the severe cut that President Clinton proposed, many of the Connecticut recipients of LIHEAP aid would probably have to go without heat during some of this coming winter. Without heat, these individuals could fall victim to illness, hypothermia, or even death. At the very least, cold children would be less able to learn in school or do their homework.

Fortunately, the final version of the Labor-HHS-Education appropriations bill that we are considering today does not cut LIHEAP the way President Clinton wants it. This bill provides over $1.3 billion for LIHEAP this winter and an advance amount of $1.3 billion for the following winter. This is only slightly less than the amount of money for LIHEAP that was provided last year, and $94 million more than what the House passed earlier this year.

I must add that LIHEAP, while important to my State, is only a small part of the programs funded in this bill. This bill funds the training and employment programs meant to help dislocated workers find new jobs. The bill funds the programs of the Department of Education, the Corporation for Public Broadcasting, and programs for children and family service programs. It also funds Medicare and Social Security.

Finally, this bill effectively delays for 1 year a requirement that schools of higher education must obtain at least 15 percent of their revenue from nonstudent aid sources in order to receive Federal financial aid. This rule is ultimately designed to reduce student loan fraud. Because some schools are educating a large number of students from low-income families, not all legitimate schools will be able to reach that 15-percent goal this year. The House overwhelmingly voted earlier this year to delay until July 1, 1995, the implementation of this rule, and this decision is included in the final version of this bill. While Congress should work to reduce fraud, we must not create obstacles for low-income students to gain the education needed to be productive members of society.

Mr. FAWELL. Mr. Speaker, I rise in support of the conference report on H.R. 4606, the Labor-HHS-Education appropriations bill for fiscal year 1995. I would like to comment on two specific provisions. I am pleased to note that the conferees accepted the Senate language regarding the Federal Employee's Compensation Act [FECA]. This language is virtually identical to my bill, H.R. 3491, the FECA Fraud Deterrence Act. This will provide the Department of Labor with the authority to eliminate benefits to individuals who have been convicted of defrauding the FECA Program and will save the Federal Government millions of dollars.

FECA is a workers' compensation law applicable to more than 3 million civilian employees of the Federal Government. The program pays compensation directly to injured employees, provides for the payment of medical expenses, and pays benefits to dependents of covered workers in cases involving a work-related death.

In the past, the criminal and administrative sanctions applicable to persons committing fraud against the FECA Program were very limited. In some cases, the Department of Labor lacked the statutory authority to terminate benefits—even when an individual was convicted of defrauding the program. A temporary legislative fix in the fiscal year 1994 Labor-HHS-Education appropriations bill enabled the Department of Labor to pursue a number of cases involving fraudulent claims, which would have cost the taxpayers approximately $4 million over the lifetime of the claims. The language in H.R. 4606 will enhance the deterrent value of the Federal Employee's Compensation Act, enable the Government to punish those who defraud the program, the most important, save the taxpayers the cost of supporting those who defraud the program.

Mr. Speaker, I remain opposed, however, to a provision in H.R. 4606 which prohibits the Department of Labor from implementing or administering the Davis-Bacon helper regulations. These regulations authorize the use of semi-skilled workers, working under the direct supervision of higher skilled journeymen, to be employed on Federal construction projects. The helper's duties include such tasks as service work, preparation and clean up, fetching materials, and at times performing part of the journeyman's work. A helper works closely with a more skilled journeyman, and in doing so, learns how to perform much of the skilled work.

In the spring of 1992, after nearly 10 years of litigation with the construction labor unions, the Department was authorized to begin implementation of the helper regulations. Soon after, the Department of Labor was prohibited from implementing the regulations through a rider attached to the fiscal year 1994 Labor-HHS-Education appropriations bill. At that time, the conferees stated that it was to be a one-time ban, and that further action should be taken by the appropriate authorizing committee.

H.R. 4606 will knowingly waste billions of taxpayer money paying for inflated wages on Federal construction projects. H.R. 4606 will also deny thousands of semi-skilled entry-level workers the opportunity to gain the experience they need in order to move into better paying, higher skilled, construction jobs.

Over 75 percent of all construction work is performed by contractors who use semi-skilled helpers. Three-fourths of the construction built in this country is built by nonunion labor using journeymen assisted by helpers. Are construction standards in the private sector somehow inferior in quality when compared to Federal buildings? Of course not.

The whole concept of the Davis-Bacon Act is that the prevailing wage and the prevailing job classifications in the geographic area of the project should control in Federal construction. The use of helpers is prevailing in the private sector. But the construction trade unions will not allow the use of helpers, because a helper who picks up the trade is a threat to a skilled craftsman. The construction unions have unsuccessfully fought the helper classification in the courts since 1982. Now, each year they come to the Congress to make sure that the taxpayers continue to pay inflated wages for the construction of Federal buildings and public works. And each year, the appropriations committees are obliged to prohibit the Department of Labor from implementing the regulations. While the unions have again succeeded in this endeavor, the real losers are the taxpayers. They are the ones who must foot the bill each year—to the tune of $600 million according to CBO and GAO.

Mr. KLECZKA. Mr. Speaker, this appropriations measure will enable a very important welfare reform project in Milwaukee to demonstrate that people will choose work over welfare if given the opportunity. Appropriately called New Hope, the experimental initiative is one of the best investments we could ever make—an investment in working Americans.

The New Hope project is a nationally recognized demonstration project sponsored by a unique consortium of community, government,

business, labor, religious, and social service organizations. The project will work with 600 families and individuals who choose to participate and who live in two targeted inner urban areas in Milwaukee, WI. Moreover, the project will be rigorously evaluated with the goal of serving as a model for reforming our Nation's welfare system.

The idea of New Hope is simple: It guarantees to every participant that work will eliminate poverty. The project provides access to a job, medical coverage and child care, and a wage subsidy to bring individuals above the poverty level. But this is no free lunch. While New Hope provides participants the tools to escape poverty, in return, it requires that they work. Participants who are not employed at least 30 hours per week will not receive New Hope money.

New Hope promotes the value of people and their capabilities. It gives individuals who have faced obstacles in their lives an opportunity to become productive members of our society. Surely, the best welfare program is a good job. Passing this legislation today will give us a chance to prove it.

I would like to thank my Wisconsin colleagues, Congressmen OBEY and BARRETT and Senators KOHL and FEINGOLD for helping to get this program on the floor again. They have all worked long and hard, for years, to get New Hope the recognition and support it deserves. Because of their efforts, New Hope is a step toward reforming our Nation's welfare system that does not have to wait until next year.

Mr. HYDE. Mr. Speaker, I have just learned of the recent decision by the U.S. District Court for the Eastern District of Pennsylvania which struck down Pennsylvania's requirement that women report the crime of rape or incest to appropriate law enforcement agencies in order to receive a publicly funded abortion under medical assistance. The court incorrectly concluded that when Congress did not include reporting requirements in the Hyde amendment, its intent was to prohibit States from imposing such requirements.

I previously discussed the purpose and background of the Hyde amendment in my comments on June 28, 1994. The Hyde amendment does not prohibit or preclude the imposition of reporting requirements by a State, notwithstanding any change in the language of any version of the Hyde amendment. Silence on the subject of reporting or certification is not intended to mean prohibition. Rather, it was and remains my intention to allow States to continue to impose antifraud requirements, such as certification or reporting requirements, before it pays for abortions.

I noted with dismay and surprise that the district court dismissed as inconsequential the fact that the version of the Hyde amendment offered by the late Representative Bill Natcher and adopted in the Appropriations Committee—an amendment which specifically required reporting of cases of rape or incest—was struck on a point of order. This illustrious court must be completely unaware that the House lives or dies by its rules of procedure, and that not even a majority can prevail against them unless a majority wants to change the rules themselves.

There is a House rule against legislating on an appropriations bill and this rule made the committee-adopted amendment subject to a point of order by any single Member of the House. Such a point of order was raised. Consequently, a similar amendment with reporting requirements could not be offered on the House floor; it is for this reason that I modified the Hyde amendment to the version in the law today. It was most certainly not a silent endorsement of overriding State laws and policies requiring the reporting of cases of rape or incest before Medicaid provides reimbursement for abortions.

Moreover, I am at a loss to see where the Pennsylvania court finds this "clear indication of congressional intent to eliminate the requirement under discussion." The district court fails to cite any support for this statement. I am sure the court did not find any indication of this in any of my statements, or the statements of other supporters of the Hyde amendment.

It seems to me that the most important statements, for the purposes of understanding congressional intent, are those made by the sponsors of the Hyde amendment. Not only was it not my purpose, as chief sponsor of the amendment, to gut State reporting requirements, I did not intend to override any State laws on abortion funding, as I explained in my earlier statement of June 28, 1994. Under the fiscal years 1994 and 1995 Hyde amendment, Federal reimbursement for Medicaid funding of abortions in cases of rape and incest was permitted, not mandated.

This understanding of the Hyde amendment was supported by Chairman Natcher when the conference report on H.R. 2518, the Labor, Health and Human Services, and Education appropriations bill was reported back to the House on October 7, 1993. He said:

> The Senate adopted the same language that was contained in the House bill, permitting public funding in the case of endangerment of the life of the mother, rape, and incest. (CONGRESSIONAL RECORD, Oct. 7, 1993, p. H7553)

Mr. Speaker, it is a travesty of justice to see State after State dragged into court to defend their own democratically enacted laws simply because of the Medicaid Bureau's willful misinterpretation of the Hyde amendment, an interpretation that has no basis in the record or in the administration's own stated policies prior to enactment of this modified funding restriction.

Mr. LEWIS of Georgia. Mr. Speaker, I want to express my support for H.R. 4606, the Labor, Health and Human Services, and Education Appropriations bill for fiscal year 1995. I want to thank my colleagues for their good work on this bill.

I especially want to express my support for language in the report that accompanies this legislation. The report refers to the extramural construction funds provided under the Center for Research Resources. The mission of the center is to support the research technologies and resources that are critical to maintaining and improving the health of all Americans. As part of achieving its mission, the center supports selected construction programs.

One such project mentioned in the report is the National Center for Primary Care at the Morehouse School of Medicine in Atlanta. Since its founding, the Morehouse School of Medicine has dedicated itself to the primary health care needs of the American people, with a particular emphasis on minorities. As a result, the Morehouse School of Medicine leads the Nation in the percentage of graduates entering primary care. Regarding research, Morehouse School of Medicine has a compelling record. Although the school is less than 20 years old, its faculty has successfully competed for more research funding than one-third of all of the medical schools in the country.

The National Center for Primary Care will be a national resource conducting, sponsoring, and participating in academic, clinical, and health services research. To achieve its mission, the center will accomplish the following goals:

Increase significantly the number of primary care physicians.

Create a national health and social policy center focused on identifying and analyzing the complex social, educational, psychological, behavioral, economic, and historical factors that contribute to current problems of poor health and inadequate access to quality health care.

Augment outreach and community-based clinics with new communications technologies to allow for expanded research, health care and health policy development.

Create linkages focused on medical education, health and social policy and basic and applied research supported by expanded on-site teleconferencing capabilities and computer support.

I strongly believe that Morehouse School of Medicine is well suited to undertake this challenge. Under the leadership of its president, Dr. Louis Sullivan, Morehouse School of Medicine has an excellent program of basic and applied research with an increasingly emphasis on community-based research related to the environmental, economic and social factors affecting health status. Furthermore, the faculty at Morehouse School of Medicine understands the complexities and challenges involved in the provision of primary care services to individuals and families in low-income urban neighborhoods and rural communities. As a result, the School has built a long-standing and solid base of trust in many underserved communities.

I want to thank Chairman NEAL SMITH for recognizing the contribution that the Morehouse School of Medicine has made in the area of primary health care. I also want to urge the Assistant Secretary for Health and the Director of the National Center for Research Resources to carefully review and consider the Morehouse School of Medicine's application for extramural construction funds for the National Center for Primary Care.

Mr. PORTER. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MFUME). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GUNDERSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 331, nays 89, not voting 14, as follows:

[Roll No. 434]

YEAS—331

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (CA)
Edwards (TX)
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Klug
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NAYS—89

Allard
Archer
Armey
Bachus (AL)
Baker (LA)
Ballenger
Bartlett
Barton
Bliley
Boehner
Bunning
Burton
Buyer
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
DeLay
Doolittle
Dornan
Dreier
Dunn
Ehlers
Emerson
Fields (TX)
Franks (NJ)
Gekas
Goodlatte
Goss
Grams
Greenwood
Hancock
Hansen
Hefley
Herger
Hoke
Huffington
Hunter
Inglis
Inhofe
Istook
Johnson, Sam
Kim
Kingston
Knollenberg
Kolbe
Lewis (FL)
Lightfoot
Lucas
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
Mica
Miller (FL)
Minge
Moorhead
Oxley
Packard
Paxon
Penny
Peterson (MN)
Petri
Pombo
Portman
Ramstad
Ravenel
Roberts
Rohrabacher
Roth
Royce
Schaefer
Sensenbrenner
Shuster
Smith (MI)
Solomon
Spence
Stearns
Stump
Talent
Taylor (MS)
Thomas (WY)
Walker
Zeliff
Zimmer

NOT VOTING—14

Collins (MI)
de la Garza
Engel
Gallo
Hastert
Kopetski
Orton
Rangel
Ridge
Slattery
Sundquist
Thompson
Towns
Washington

□ 1140

Messrs. BLILEY, KINGSTON, and McHUGH changed their vote from "yea" to "nay."

Messrs. FISH, HOEKSTRA, and KASICH changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, I had to miss the rollcall vote on H.R. 4606, the fiscal year 1995 Labor, Health and Human Services and Education appropriations conference report. Had I been present, I would have voted "yea" on rollcall vote No. 434.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. MFUME). Pursuant to the order of the House of Tuesday, September 20, 1994, the amendments in disagreement and motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement are considered as read.

The Clerk will designate the first amendment in disagreement.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that Senate amendments numbered 12, 13, 20, 32, 37, 66, 75, 78, 79, 80, 89, 91, 101, 108, and 124 be considered en bloc, and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

(The texts of the various Senate amendments referred to in the unanimous-consent request are as follows:)

Senate amendment No. 12: Page 3, line 23, after "centers" insert ": *Provided further*, That funds used from this Act to carry out title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver allowing a reduction in the cost limitation relating to retraining services described in subsection (a)(2) of such section 315 may be granted with respect to funds used from this Act if a substate grantee demonstrates to the Governor that such wavier is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services; and that funds used from this Act to carry out the Secretary's discretionary grants under part B of such title III may be used to provide needs-related payments to participants who, in lieu of meeting the requirements relating to enrollment in training under section 314(e) of such Act, are enrolled in training by the end of the sixth week after grant funds have been awarded".

Senate amendment No. 13: Page 3, after line 23, insert:

Of the amounts made available in fiscal year 1994 under the Job Training Partnership Act, title II-C, $50,000,000 are hereby rescinded.

Senate amendment No. 20: Page 7, line 6, after "entities" insert ": *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87".

Senate amendment No. 32: Page 18, after line 12, insert:

SEC. 101. DETERRENCE OF FRAUD AND ABUSE IN THE FEDERAL EMPLOYEE'S WORKER COMPENSATION PROGRAM.

(a) IN GENERAL.—(1) Chapter 81 of title 5, United States Code, is amended by inserting after section 8147 the following new section:

"§ 8148. Forfeiture of benefits by convicted felons

"(a) Any individual convicted of a violation of section 1920 of title 18, or any other Federal or State criminal statute relating to fraud in the application for a receipt of any benefit under this subchapter or subchapter III of this chapter, shall forfeit (as of the date of such conviction) any entitlement to any benefit such individual would otherwise be entitled to under this subchapter or subchapter III for any injury occurring on or before the date of such conviction. Such forfeiture shall be in addition to any action the Secretary may take under section 8106 or 8129.

"(b)(1) Notwithstanding any other provision of this chapter (except as provided under paragraph (3)), no benefits under this subchapter or subchapter III of this chapter shall be paid or provided to any individual during any period during which such individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to that individual's conviction of an offense that constituted a felony under applicable law.

"(2) Such individual shall not be entitled to receive the benefits forfeited during the period of incarceration under paragraph (1), after such period of incarceration ends.

"(3) If an individual has one or more dependents as defined under section 8110(a), the Secretary of Labor may, during the period of incarceration, pay to such dependents a percentage of the benefits that would have been payable to such individual computed according to the percentages set forth in section 8133(a) (1) through (5).

"(c) Notwithstanding the provision of section 552a of this title, or any other provision of Federal or State law, any agency of the United States Government or of any State (or political subdivision thereof) shall make available to the Secretary of Labor, upon written request, the names and Social Security account numbers of individuals who are confined in a jail, prison, or other penal institution or correctional facility under the jurisdiction of such agency, pursuant to such individual's conviction of an offense that constituted a felony under applicable law, which the Secretary of Labor may require to carry out the provisions of this section.".

(2) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8147 the following new item:

"8148. Forfeiture of benefits by convicted felons.".

(b) CRIMINAL PENALTIES.—(1) Section 1920 of title 18, United States Code, is amended to read as follows:

"§ 1920. False statement or fraud to obtain Federal employee's compensation

"Whoever knowingly and willfully falsifies, conceals, or covers up a material fact, or makes a false, fictitious, or fraudulent statement or representation, or makes or uses a false statement or report knowing the same to contain any false, fictitious, or fraudulent statement or entry in connection with the application for or receipt of compensation or other benefit or payment under subchapter I or III of chapter 81 of title 5, shall be guilty of perjury, and on conviction thereof shall be punished by a fine of not more than $250,000, or by imprisonment for not more than 5 years, or both; but if the amount of the benefits falsely obtained does not exceed $1,000, such person shall be punished by a fine of not more than $100,000, or by imprisonment for not more than 1 year, or both.".

(2) The table of sections for chapter 93 of title 18, United States Code, is amended by amending the item relating to section 1920 to read as follows:

"1920. False statement or fraud to obtain Federal employee's compensation.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. The amendments made by subsection (a) shall apply to claims filed before, on, or after the date of enactment of this Act, and shall apply only to individuals convicted after such date of enactment.

Senate amendment No. 37: Page 21, line 10, after "Act" insert ": *Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 102-501".

Senate amendment No. 66: Page 36, after line 24, insert:

The Secretary shall provide payments under titles IV-A and XIX of the Social Security Act to carry out a demonstration project for a qualified program in accordance with this section which shall take effect on January 1, 1995. For each calendar quarter in which there is a qualified program as defined below, the Secretary shall pay to the State for the purpose of transmittal to the operator of the qualified program, for no more than 20 calendar quarters, an amount equal to the aggregate amount that would otherwise have been payable to the State with respect to the participants in the program for such a calendar quarter, in the absence of the program, for cash assistance and child care under part A of title IV of the Social Security Act, for medical assistance under title XIX of such Act, and for administrative expenses related to such assistance. The term "qualified program" means a program operated by the New Hope Project, Inc., which assists low-income residents of Milwaukee, Wisconsin, move from welfare to work, in accordance with an application to be prepared by the operator to the qualified program, transmitted by the State to the Secretary, and defined by and approved by the Secretary. The application shall provide for evaluation of the demonstration project; funds provided herein may not be used for said evaluation.

Senate amendment No. 75 Page 41, line 8, after "therein" insert ", together with any funds, to remain available until expended, that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated and which are transferred to the Office of the Inspector General by the Department of Justice or the Department of the Treasury".

Senate amendment No. 78: Page 42, strike out lines 10 to 19 and insert:

SEC. 204. None of the funds made available by this Act may be used to withhold payment to any State under the Child Abuse Prevention and Treatment Act by reason of a determination that the State is not in compliance with section 1340.2(d)(2)(ii) of title 45 of the Code of Federal Regulations. This provision expires upon the date of enactment of the reauthorization of the Child Abuse Prevention and Treatment Act or upon September 30, 1995, whichever occurs first.

Senate amendment No. 79: Page 43, after line 14, insert:

SEC. 206. None of the funds appropriated in this title for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

Senate amendment No. 80: Page 43, after line 14, insert:

SEC. 207. (a) Of the budgetary resources available to the Department of Health and Human Services for space rental charges (excluding Food and Drug Administration and the Indian Health Service) during fiscal year 1995, $4,505,000 are permanently canceled.

(b) The Secretary of Health and Human Services shall allocate the amount of budgetary resources canceled among the Department's accounts (excluding the Food and Drug Administration and the Indian Health Service) available for space rental charges. Amounts available for space rental charges in each such account shall be reduced by the amount allocated to such account.

Senate amendment No. 89: Page 44, line 11, after "agencies," insert "not less than".

Senate amendment No. 91: Page 44, line 16, after "activities," insert "no more than".

Senate amendment No. 101: Page 45, line 16, strike out "title VII" and insert "titles VII and IX".

Senate amendment No. 108: Page 46, line 2, after "1996" insert: ", of which $292,125,000 for section 686 shall become available for obligation on September 30, 1995, and shall remain available through September 30, 1996".

Senate amendment No. 124: Page 48, after line 25 insert:

FEDERAL DIRECT STUDENT LOAN PROGRAM ACCOUNT

For the cost of direct loans authorized by title IV, part D, of the Higher Education Act, as amended, such sums as may be necessary to carry out the purposes of the program, including such sums as may be derived from negative subsidy receipts: Provided, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendments of the Senate numbered 12, 13, 20, 32, 37, 66, 75, 78, 79, 80, 89, 91, 101, 108, and 124 and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 18: Page 6, line 15, strike out "$232,437,000" and insert: "$226,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert $223,837,000.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 26: Page 17, line 9, after "Disabilities," insert: "and including $2,500,000 for the International Program on the Elimination of Child Labor notwithstanding any other provision of law.".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$2,100,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 33: Page 20, after line 4, insert:

SEC. 105. The Secretary of Labor may, in his discretion, utilize funds appropriated in this and subsequent Acts to engage in joint projects, or perform services, on matters of mutual interest, with nonprofit organizations, research organizations, or public organizations or agencies, the cost of which shall be apportioned equitably, as determined by the Secretary: Provided, That such funds shall not be treated as a reprogramming and shall not be available for obligation or expenditure except in compliance with the committee reprogramming procedures.

SEC. 106. The Secretary of Labor is authorized to accept, in the name of the Department of Labor, and employ or dispose of in furtherance of authorized activities of the Department of Labor, during the fiscal year ending September 30, 1995, and each fiscal year thereafter, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

SEC. 107. Section 5315 of title 5, United States Code, is amended by inserting at the end thereof: "The Commissioner of Labor Statistics, Department of Labor.".

Section 5316 of title 5, United States Code, is amended by striking: "Commissioner of Labor Statistics, Department of Labor.".

SEC. 108. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 105. The Secretary of Labor is authorized to accept, in the name of the Department of Labor, and employ or dispose of in furtherance of authorized activities of the Department of Labor, during the fiscal year ending September 30, 1995, and each fiscal year thereafter, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

SEC. 106. Section 5315 of title 5, United States Code, is amended by inserting at the end thereof: "The Commissioner of Labor Statistics, Department of Labor.".

Section 5316 of title 5, United States Code, is amended by striking: "Commissioner of Labor Statistics, Department of Labor.".

SEC. 107. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 35: Page 21, line 10, after "Act" insert ": *Provided further*, That of the amounts available for Area Health Education Centers, $25,000,000 shall be for section 746(i)(1)(A) of the Health Professions Education Extension Amendments of 1992, notwithstanding section 746(i)(1)(C)".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$24,625,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 38: Page 23, line 5, strike out "$2,086,850,000" and insert "$2,050,931,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 38 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$2,089,443,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 51: Page 28, line 15, strike out "$219,474,000" and insert "$215,045,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$218,367,000, of which $3,375,000 shall be transferred to the National Institute of General Medical Sciences".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 53: Page 29, line 20, strike out "$2,166,148,000" and insert "$2,164,179,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$2,181,407,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 54: Page 30, line 7, strike out "$70,261,000" and insert "$63,004,000, of which $2,048,000 and 30 full-time equivalent positions will be transferred from the National Vaccine Program Office to the Centers for Disease Control and Prevention for the expanded immunization program".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 54 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert $65,267,000, together with $1,500,000 which shall be only for employee buyouts, terminal leave, severance pay, and other costs related to the reduction of the number of employees in the Office of the Assistant Secretary of Health.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 56: Page 31, line 5, strike out "$134,624,000" and insert "$128,914,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 56 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$138,642,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 63: Page 35, line 8, strike out "$5,127,785,000" and insert "$5,157,011,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 63 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$5,159,785,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 69: Page 38, after line 13, insert:

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(INCLUDING RESCISSION)

(a) Funds not expended by the States by July 1, 1995, under section 204(b)(4) of the Immigration and Nationality Act are hereby rescinded.

(b) For allotments of funds to the States made by the Secretary of Health and Human Services for the purpose of making payments to public and private nonprofit organizations for—

(1) public information and outreach activities regarding naturalization and citizenship; and

(2) English language and civics instruction provided to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States, $8,000,000:

Provided, That the Secretary of Health and Human Services shall allocate such amount among the States not later than August 15, 1995: *Provided further*, That each State's share of these funds shall be equal to that State's percentage share of the total costs of administering and providing educational services to eligible legalized aliens in all States through fiscal year 1994, as determined by the Secretary: *Provided further*, That the definition of "eligible legalized alien" contained in section 204(j)(4) of the Immigration Reform and Control Act of 1986 is amended by inserting before the period at the end ", except that the five-year limitation shall not apply for the purposes of providing public information and outreach activities regarding naturalization and citizenship; and English language and civics instruction to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States": *Provided further*, That each State may designate the appropriate agency or agencies to administer funds under this heading: *Provided further*, That section 204(b)(4) of the Immigration Reform and Control Act of 1986 is amended by striking the fourth sentence and inserting the following: "Funds made available to a State pursuant to the preceding sentence of this paragraph shall be utilized by the State to reimburse all allowable costs within 90 days after a State has received a reallocation of funds from the Secretary, but in no event later than July 31, 1995.".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 69 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(INCLUDING RESCISSION)

Funds not obligated by the States by June 29, 1995, under section 204(b)(4) of the Immigration Reform and Control Act of 1986 are hereby rescinded.

For Federal administration and allotments of funds to the States made by the Secretary of Health and Human Services for the purpose of making payments to public and private nonprofit organizations for public information and outreach activities; and English language and civics instruction provided to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States, $6,000,000: *Provided*, That the Secretary of Health and Human Services shall allocate such amount among the States not later than August 15, 1995: *Provided further*, That each State's share of these funds shall be equal to that State's percentage share of the total costs of administering and providing educational services to eligible legalized aliens in all States through fiscal year 1994, as determined by the Secretary: *Provided further*, That the definition of "eligible legalized alien" contained in section 204(j)(4) of the Immigration Reform and Control Act of 1986 is amended by inserting before the period at the end ", except that the five-year limitation shall not apply for the purposes of making payments from funds appropriated under the fiscal year 1995 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for providing public information and outreach activities regarding naturalization and citienship; and English language and civics instruction to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States": *Provided further*, That each State may designate the appropriate agency or agencies to administer funds under this heading: *Provided further*, That section 204(b)(4) of the Immigration Reform and Control Act of 1986 is amended by striking the fourth sentence and inserting the following: "Funds made available to a State pursuant to the preceding sentence of this paragraph shall be utilized by the State to reimburse all allowable costs within 90 days after a State has received a reallocation of funds from the Secretary, but in no event later than July 31, 1995.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 70: Page 38, line 18, strike out "$465,714,000" and insert "$476,219,000, of which $12,000,000 shall be for carrying out the National Youth Sports Program: *Provided*, That payments from such amount to the grantee and subgrantees administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantees: *Provided further*, That amounts in excess of $9,400,000 for such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash over and above the preceding year's cash contribution to such program in an amount that equals 29 percent of such excess amount".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$472,920,000, of

which $12,000,000 shall be for carrying out the National Youth Sports Program: Provided, That payments from such amount to the grantee and subgrantees administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantee: *Provided further*, That amounts in excess of $9,400,000 of such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash to such program in an amount that equals 29 percent of such excess amount".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 71: Page 40, line 3, strike out "$4,408,775,000" and insert "$4,415,514,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$4,419,888,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 73: Page 40, line 17, strike out "$869,823,000" and insert "$873,662,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 73 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$877,223,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 74: Page 40, line 22, strike out "$89,500,000" and insert: "$88,774,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$91,247,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 81: Page 43, after line 14, insert:

SEC. 208. Taps and other assessments made by any office located in the Department of Health and Human Services shall be treated as a reprogramming of funds and shall not be available for obligation or expenditure except in compliance with the Committee reprogramming procedures.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 81 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 208. Taps and other assessments made by any office located in the Department of Health and Human Services shall be treated as a reprogramming of funds except that this provision shall not apply to assessments required by authorizing legislation, or related to working capital funds or other fee-for-service activities.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore (Mr. MFUME). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 83: Page 43, after line 14, insert:

SEC. 211. (a) Of the funds appropriated or otherwise made available for the Department of Health and Human Services General Departmental Management for fiscal year 1995, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

(b) The Comptroller General of the United States shall conduct a review on the need of personal security protection for all cabinet and subcabinet officials in the Federal Government, and shall not later than April 1, 1995, prepare and submit a report to the Senate and House Committees on Appropriations of the findings of the Comptroller.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 83 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 209. Of the funds appropriated or otherwise made available for the Department of Health and Human Services, General Departmental Management, for fiscal year 1995, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 86: Page 44, line 5, strike out "passed the House of Representatives on March 24, 1994" and insert "passed the Senate on August 2, 1994".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 86 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "enacted into law".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 87: Page 44, line 7, strike out "$7,245,655,000" and insert: "$7,233,411,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 87 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$7,232,722,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 88: Page 44, line 7, strike out "$7,212,093,000" and insert: "$7,214,849,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 88 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$7,214,160,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 90: Page 44, line 14, strike out "$37,244,000" and insert: not less than $40,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 90 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "not less than $39,311,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 93: Page 44, lines 22 and 23, strike out "passed the House of Representatives on March 24, 1994 and insert: "passed the Senate on August 2, 1994".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 93 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "enacted into law".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 95: Page 44, line 26, strike out "8004(f)" and insert: "9004(f)".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 95 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "8004(f), 9004(f), or the relevant citation which may be designated in the Act: *Provided*, That should the Improving America's Schools Act not be enacted into law for fiscal year 1995 funds for impact aid shall be made available under the provisions of Public Laws 81-815 and 81-874 with amounts allocated proportionately and under the same timeframes as provided in fiscal year 1994".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 96: Page 45, line 3, strike out "III, IV, and V" and insert "IV, V, VII, VIII, IX, and XV".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 96 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "III, IV, V, VII, VIII, IX, and XV (or under the comparable citations which may be designated)".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 97: Page 45, lines 5 and 6, strike out "passed the House of Representatives on March 24, 1994" and insert "passed the Senate on August 2, 1994".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 97 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "enacted into law".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 98: Page 45, line 9, strike out "$1,424,513,000" and insert "$1,570,201,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate Numbered 98 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$1,564,877,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 99: Page 45, line 9, strike out "$1,158,695,000" and insert "$1,264,849,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate Numbered 99 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$1,268,418,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 100: Page 45, line 11, strike out all after "that" down to and including "3702" in line 12 and insert: "$100,000,000 shall be for education infrastructure under title XV, $5,899,000 shall be law related education under section 8252, $37,393,000 shall be for dropout assistance under part B of title V, $4,185,000 shall be for Ellender Fellowships under part E of title VIII, $15,000,000 shall be for education for Native Hawaiians under part C of title IX, $13,000,000 shall be for part A of title VIII, and $10,912,000 shall be for foreign language assistance under part B of title VII".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate Numbered 100 and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "$5,899,000 shall be for law related education; $12,000,000 shall be for arts education activities; $28,000,000 shall be for dropout prevention assistance, if authorized; $4,185,000 shall be for Ellender Fellowships; $12,000,000 shall be for education for Native Hawaiians; $10,912,000 shall be for foreign language assistance, is authorized; and $100,000,000 shall be for new education infrastructure improvement grants, if authorized".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 102: Page 45, line 18, strike out all after "as" down to and including "Act" in line 20 and insert: "passed the Senate on August 2, 1994".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate Numbered 102 and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "enacted into law".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 103: Page 45, line 21, strike out "$247,572,000" and insert: "$238,082,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 103 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$245,200,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 104: Page 45, line 22, strike out "part C" and insert "subpart 3 of part A of title VII".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the house recede from its disagreement to the amendment of the Senate numbered 104 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "part C or under subpart 3 of part A of title VII or under the comparable citation which may be designated by amendments to the authorizing legislation".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 107: Page 45, line 26, strike out "$2,858,973,000" and insert "$2,753,300,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 107 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$2,998,812,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 130: Page 49, lines 10 and 11, strike out "and Public Law 102–423; $954,686,000, of which $8,248,000" and insert "$946,703,000, of which $7,498,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 130 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "section 1521 of the Higher Education Amendments of 1986 as amended by Public Law 103–239, to be administered by the Secretary of Education, part E of title XV of the Higher Education Amendments of 1992; and Public Law 102–423, $962,842,000, of which $8,060,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 135: Page 49, strike out all after line 24 down to and including "construction" in line 26.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 135 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: "$5,000,000, to remain available until expended, shall be for general construction needs at the University and $5,500,000, to remain available until expended, shall be for the establishment of a Law School Clinical Center to be administered under the same terms and conditions as the Centers established and funded under Public Laws 99–88 and 100–517 with not more than $1,000,000 to be used for construction".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 138: Page 52, line 2, strike out all after "1965" down to and including "technology" in line 14 and insert: ", as amended by the Improving America's Schools Act as passed the Senate on August 2, 1994; the National Education Statistics Act of 1994, as passed the Senate on August 2, 1994; and title VI of Public Law 103–227; $371,586,000: *Provided*, That $41,000,000 shall be for regional laboratories, including rural initiatives and network activities; $33,000,000 shall be for research centers; $43,000,000 shall be for the Fund for the Improvement of Education, including $5,000,000 for title VI of Public Law 103–227, $3,000,000 for Elementary School Counseling Demonstrations, $125,000 for National Student and Parent Mock Elections, $1,000,000 for the Partnerships in Character Education Pilot Project, $500,000 for Promoting Scholar-Athlete Competitions, and $900,000 for 21st Century Community Learning Centers, as authorized by title VIII of the Elementary and Secondary Education Act, as amended by the Improving America's Schools Act as passed the Senate on August 2, 1994; $4,463,000 shall be for civic education activities; $14,480,000 shall be for the National Diffusion Network; $40,000,000 shall be for Eisenhower professional development Federal activities, including not less than $5,472,000 for the National Clearinghouse for Science and Mathematics, $15,000,000 for regional consortia, and $3,000,000 for part E of title II of the Elementary and Secondary Education Act, as amended by the Improving America's Schools Act as passed the Senate on August 2, 1994; and $50,000,000 shall be for education technology activities under part A of title III of the Elementary and Secondary Education Act, as amended by the Improving America's Schools Act as passed the Senate on August 2, 1994".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 138 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "as amended by the Improving America's Schools Act as enacted into law; the National Education Statistics Act of 1994, as enacted into law; the Education Council Act, as amended; part F of the General Education Provisions Act; and title VI of Public Law 103-227, $354,892,000: *Provided*, That $86,200,000 shall be for education research of which $41,000,000 shall be for regional laboratories, including rural initiatives and network activities, $33,000,000 shall be for research centers, and $3,200,000 to remain available until expended, shall be for school finance equalization research; $36,750,000 shall be for the Fund for the Improvement of Education; $3,000,000 shall be for the international education exchange program; $750,000 shall be for 21st Century Community Learning Centers, if authorized; $4,463,000 shall be for civic education activities; $14,480,000 shall be for the National Diffusion Network; $36,356,000 shall be for Eisenhower professional development Federal activities, including not less than $5,472,000 for the National Clearinghouse for Science and Mathematics and $15,000,000 for regional consortia; $2,250,000 shall be for a mathematics telecommunications demonstration, if authorized; $40,000,000 shall be for education technology activities, if authorized; and $7,000,000 shall be for Ready to Learn television, including funds to be awarded to the Corporation for Public Broadcasting in such amounts as the Secretary determines appropriate

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 139: Page 52, lines 18 and 19, strike out "section 222 of the Higher Education Act, $115,996,000" and insert: "title II of the Higher Education Act, $147,558,000, of which $17,792,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended, and $4,916,000 shall be for section 222 and $8,270,000 shall be for section 223 of the Higher Education Act, of which $2,500,000 shall be for demonstration of on-line and dial-in access to a statewide, multitype library bibliographic data base through a statewide fiber optic network housing a point of presence in every county, connecting library services in every municipality, and $1,500,000 shall be for a demonstration project making Federal information and other data bases available for public use by connecting Internet to a multistate consortium of public and private colleges and universities, a public library system, and a State historical library".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 139 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "title II of the Higher Education Act, $144,161,000, of which $17,792,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended; and $4,916,000 shall be for section 222 and $6,500,000 shall be for section 223 of the Higher Education Act, of which $5,000,000 shall be for additional awards for demonstration of on-line access to statewide, multitype library bibliographic data bases using fiber optic networks and $1,500,000 shall be for a demonstration project making Federal information and other data bases available for public use by connecting a multisale consortium of public and private colleges and universities to a public library and an historic library".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 144: Page 56, strike out lines 9 to 11 and insert:

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1997, $330,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 144 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

(INCLUDING RECESSION)

Of the funds made available under this heading in Public Law 102-394, $7,000,000 are hereby rescinded. For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1997, $315,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment of Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 148: Page 60, line 20, after "achieved" insert ": *Provided further*, That notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 231-231u)".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 148 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: ": *Provided further*, That for fiscal year 1995 only, nothwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 231-231u)".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 153: Page 65, strike out lines 17 to 20 and insert:

SEC. 511. None of the funds appropriated or otherwise made available under this Act may be obligated in violation of existing Federal law or regulation already prohibiting such benefit or assistance. None of the funds appropriated under this Act may be used by any Federal official, or any State or local official, to encourage the application by or on behalf of illegal aliens for Federal or federally assisted benefits for which they are not eligible. Each State agency and each other entity administering a program under which verification of immigration status is required by section 121 of the Immigration Reform and Control Act of 1986 shall participate in the system for the verification of such status established by the Commissioner of the Immigration and Naturalization pursuant to section 121(c) of that Act, unless an alternative system is available and employed for such purposes which is found to meet the criteria for waiver under section 121(c)(4).

SEC. 512. Notwithstanding any other provision of law, monthly benefit rates under part B or part C of the Black Lung Benefits Act shall continue to be based on the benefit rates in effect in September, 1994 and be paid in accordance with the Act, until exceeded by the benefit rate specified in section 412(a)(1) of the Act.

SEC. 513. No more than one percent of salaries appropriated for each Agency in this Act

may be expended by that Agency on cash performance awards.

SEC. 514. Funds available for executive direction, excluding the Centers for Disease Control and Prevention, the National Institutes of Health and the Social Security Administration, shall not exceed the amounts set forth in the budget estimates submitted to Congress for fiscal year 1995.

SEC. 515. (a) No appropriations for Agencies in this Act may be used to fund non-formula grants or contracts or modifications thereto to grantees or contractors determined by each Agency's grant or contracting officer to have previously included expressly unallowable costs in required cost reports or in claims to the Government, unless such grant or contract includes a clause which—

(1) specifically states that the costs previously determined to be unallowable will not again be reported as allowable costs or claimed for reimbursement, and

(2) requires the submission of a certification by the grantee or contractor attesting to (1) above.

(b) A grantee or contractor that knowingly submits a cost report or claim for reimbursement which includes a cost that is expressly specified by regulation as being unallowable and which was determined to have been disallowed in a previous grant or contract with this grantee or contractor shall be subject to the provisions of 18 U.S.C. 287, 31 U.S.C. 3729, and/or 31 U.S.C. 3801.

(c) The unallowability of a type of cost reported or claimed for reimbursement may be evidenced by a prior final determination by a grant or contracting officer of the Agency disallowing such costs charged by that grantee or contractor which determination is, where appropriate, upheld by any adjudicatory body, such as an Administrative Law Judge, Board of Contract Appeals, or other higher level review provided by law or regulation.

SEC. 516. PROTECTION AGAINST THE HUMAN IMMUNODEFICIENCY VIRUS.

Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1118. Protection against the Human Immunodeficiency Virus

"(a) IN GENERAL.—Whoever, after testing positive for the Human Immunodeficiency Virus (HIV) and receiving actual notice of that fact, knowingly donates or sells, or knowingly attempts to donate or sell, blood, semen, tissues, organs, or other bodily fluids, except as determined necessary for medical research, shall be fined or imprisoned in accordance with subsection (c).

"(b) TRANSMISSION NOT REQUIRED.—Transmission of the Human Immunodeficiency Virus does not have to occur for a person to be convicted of a violation of this section.

"(c) PENALTY.—Any person convicted of violating the provisions of subsection (a) shall be subject to a fine of not less than $10,000 nor more than $20,000 and imprisoned for not less than 1 year nor more than 10 years, or both.".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 153 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 511. None of the funds appropriated or otherwise made available under this Act may be obligated in violation of existing Federal law or regulation already prohibiting such benefit or assistance. None of the funds appropriated under this Act may be used by any Federal official, or any State or local official to induce undocumented immigrants to apply for Federal benefits for which such officials know or should know such undocumented immigrants are not eligible. In no case, however, shall Federal, State, or local officials be penalized for efforts to ensure that eligible persons are not excluded from participation in, denied the benefits of or subjected to discrimination by any program receiving funds under this Act, on the grounds of race, color, or national origin-based traits, including language. Each State agency and each other entity administering a program under which verification of immigration status is required by section 121 of the Immigration Reform and Control Act of 1986 shall participate in the system for the verification of such status established by the Commissioner of the Immigration and Naturalization Service pursuant to section 121(c) of that Act, unless an alternative system is available and employed for such purposes which is found to meet the criteria for waiver under section 121(c)(4).

SEC. 512. Notwithstanding any other provision of law, monthly benefit rates during fiscal year 1995 and thereafter under part B or part C of the Black Lung Benefits Act shall continue to be based on the benefit rates in effect in September, 1994 and be paid in accordance with the Act, until exceeded by the benefit rate specified in section 412(a)(1) of the Act.

SEC. 513. No more than one percent of salaries appropriated for each Agency in this Act may be expended by that Agency on cash performance awards: *Provided*, That of the budgetary resources available to Agencies in this Act for salaries and expenses during fiscal year 1995, $30,500,000, to be allocated by the Office of Management and Budget, are permanently canceled: *Provided further*, That the foregoing proviso shall not apply to the Food and Drug Administration and the Indian Health Service.

SEC. 514. Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1118. Protection against the Human Immunodeficiency Virus

"(a) IN GENERAL.—Whoever, after testing positive for the Human Immunodeficiency Virus (HIV) and receiving actual notice of that fact, knowingly donates or sells, or knowingly attempts to donate or sell, blood, semen, tissues, organs, or other bodily fluids for use by another, except as determined necessary for medical research or testing, shall be fined or imprisoned in accordance with subsection (c).

"(b) TRANSMISSION NOT REQUIRED.—Transmission of the Human Immunodeficiency Virus does not have to occur for a person to be convicted of a violation of this section.

"(c) PENALTY.—Any person convicted of violating the provisions of subsection (a) shall be subject to a fine of not less than $10,000 nor more than $20,000, imprisoned for not less than 1 year nor more than 10 years, or both.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 154: Page 65, after line 20 insert:

SEC. 517. (a)(1) The Senate finds that Federal payments in lieu of taxes to counties compensate local jurisdictions for services provided in areas owned by the Federal Government and for tax revenues foregone due to such Federal ownership.

(2) PILT payments are critical to counties to provide vital basic services such as emergency search and rescue; law enforcement; fire and emergency medical services; solid waste management, road maintenance, and health and other human services.

(3) PILT payments have not been increased since 1976, and the consumer price index has risen 127 percent since 1976.

(4) On April 13, 1994, the Senate approved legislation to increase PILT payments by $115,000,000 over 5 years, and index the payments to keep pace with inflation.

(5) Enactment of this legislation is critical to counties in 49 States throughout the Nation.

(b) It is the sense of the Senate that the House should approve the Senate passed legislation to increase PILT payments, and that this legislation should be enacted by the adjournment of the One Hundred Third Congress. Further, it is the sense of the Senate that, pursuant to enactment, the President should include full funding for the PILT program in the fiscal year 1996 budget.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 154 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

"SEC. 515. Notwithstanding any other provision of law, (1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act:

"(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

"(3) no funds provided under this or any subsequent appropriation act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency."

On page 55 of the House engrossed bill, H.R. 4606, after line 3, insert:

"SEC. 305. None of the funds appropriated under this Act may be used to publish, release, report or finalize the designation of institutions to be reviewed under subpart 1 of part H of title IV of the Higher Education

Act of 1965, as amended, until the State post-secondary review entity responsible for evaluating those institutions has received the Secretary's approval for its institutional review standards."

On page 58, line 19 of the House engrossed bill, H.R. 4606, strike "$8,119,000" and insert in lieu thereof "$8,519,000".

On page 43 of the House engrossed bill, H.R. 4606, after line 14, insert:

"SEC. 210. Of the funds made available under this title, under the heading Low Income Home Energy Assistance, for fiscal year 1996, the Secretary shall receive assurances from States that funds will assist low-income households with their home energy needs, particularly those with the lowest incomes that pay a high proportion of household income for home energy".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 155: Page 65, after line 20 insert:

TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 155 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

TITLE VI—EMERGENCY APPROPRIATIONS

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 156: Page 65, after line 20, insert:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for the Public Health and Social Services Emergency Fund to be used to assist States and local communities in recovering from the flooding caused by tropical storm Alberto and other disasters, $35,000,000 to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 156 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For the Public Health and Social Services Emergency Fund to be used to assist States and local communities in recovering from the flooding caused by tropical storm Alberto and other emergencies, $35,000,000 to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 157: Page 65, after line 20, insert:

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities related to the flooding caused by tropical storm Alberto and other disasters, authorized under section 7(a) of Public Law 81-874, $10,000,000, to remain available until expended, of which $10,000,000 shall be available from funds provided under the heading "DEPARTMENT OF EDUCATION" under the heading "IMPACT AID" in the Emergency Supplemental Appropriations Act of 1994 (Public Law 103-211): *Provided*, That such funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 157 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

TITLE VII—CRIME REDUCTION PROGRAMS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

In addition to amounts otherwise appropriated in this Act, $26,900,000, to be derived from the Violent Crime Reduction Trust Fund, including $1,000,000 for a domestic violence hotline as authorized by the Safe Homes for Women Act of 1994 and $25,900,000 for carrying out the Community Schools Youth Services and Supervision Grant Program Act of 1994.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

In addition to amounts otherwise appropriated in this Act, $11,100,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out the Family and Community Endeavor Schools Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions and on the conference report was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 2144. An act to provide for the transfer of excess land to the Government of Guam, and for other purposes;

H.R. 3679. An act to authorize the Secretary of the Interior to carry out a program to be known as the Junior Duck Stamp Conservation and Design Program, and for other purposes;

H.R. 4647. An act to direct the Secretary of the Interior to convey to the City of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge; and

H.J. Res. 363. Joint resolution to designate October 1994 as "Crime Prevention Month."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 1779) "An Act to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the 'Jerry L. Litton United States Post Office Building'."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1406) "An Act to amend the Plant Variety Protection Act to make such Act consistent with

the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1703) "An Act to expand the boundaries of the Piscataway National Park, and for other purposes."

CONFERENCE REPORT ON H.R. 4539, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 537 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 537

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

□ 1200

The SPEAKER pro tempore (Mr. MFUME). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary one-half hour to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 537 is the rule providing for consideration of the conference report on H.R. 4539, the appropriations bill for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and several independent agencies for fiscal year 1995.

The rule waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read.

The waivers provided by the rule are necessary to allow the House to consider the conference report today. One very important item in the agreement was not contained in either the House or the Senate-passed bills: a $38.7 million appropriation from the Violent Crime Reduction Trust Fund.

This appropriation is urgently needed by the Treasury Department to implement provisions—including an antigang program—of the omnibus crime bill which just recently became law.

Including this in the conference report technically violates the rule on scope, but I believe most Members would understand the need to ensure that this money from the crime trust fund be used as soon as possible.

Mr. Speaker, the conference report appropriates $23.6 billion for the 1995 fiscal year. This is $237 million over the amount in the House bill, $7.3 million under the Senate-approved appropriation, and $987.6 million under the budget request.

The agreement provides $1 billion over the fiscal 1994 appropriation, an increase caused largely by mandatory appropriations that are required under current law, and by increased funding for the Internal Revenue Service.

The total discretionary outlays in the conference report are below the level contained in the House-passed bill and total funding is below the 602(b) budget authority and outlay allocations. We believe the committee has brought us a fiscally responsible bill and, I might add, one that is essential to the operation of the Government, with appropriations for the Internal Revenue Service, the Postal Service and Government workers.

Mr. Speaker, I congratulate the gentleman from Maryland [Mr. HOYER] and the gentleman from Iowa [Mr. LIGHTFOOT] for their work in reaching a very responsible agreement for an appropriation measure that deals with programs whose operations are among those most apparent to the American people.

I urge my colleagues to approve this rule so that we may proceed today with consideration of the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the gentleman from California [Mr. BEILENSON] has explained the provisions of the rule. This is the standard conference report rule. It waives all points of order against the conference and against its consideration.

Mr. Speaker, I frequently speak out against these blanket waivers, and I particularly do not favor waiving the 3-day layover rule because I feel strongly that Members should have sufficient time to thoroughly review the contents of any piece of legislation before casting their votes. Additionally, the conferees established a new title making appropriations for various law enforcement programs and activities of the Treasury Department. This is a scope violation, which is protected under this rule, but I am not aware of any strong objection to this particular waiver.

Mr. Speaker, since Members have had 2 days to study this conference report, and since there are no budget act violations and the other waivers are minor and/or technical in nature, I will not object to the consideration of this rule.

We have a limited amount of time in which to do a great deal of work, and passing these appropriation conference reports is a priority. The conferees did an outstanding job on this measure, which provides funding for the Department of the Treasury, the U.S. Postal Service, the White House, and several other agencies.

Mr. Speaker, I yield 9 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

I have some concerns about this rule because of the nature of some of the things that we are not going to be able to get to as a result of waiving all points of order and bringing the conference report to us in this manner. For example, I think that the Members and the taxpayers ought to know that this bill will have IRS user fees in it. There are a number of Members of this body who believe that user fees are another term for taxation and that it would be in fact valuable if we could strip those user fees from the bill. Because of the rule, we will not be able to do that, and we probably ought to have been given that opportunity.

Mr. HOYER. Mr. Speaker, will the gentleman yield on that question?

Mr. WALKER. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for raising this point. I just want to clarify because as he knows, we did not have this in the House bill, and I indicated it was not within our authority. But the gentleman will at least be pleased I think to this extent: In the user fee that came from the Senate, there was no constraining language. What we have put in the bill, because we did not want it to be a tax, is that the IRS is limited to actual costs they can show for the services rendered, because we shared the gentleman's concern and I wanted him to know that language is in the bill.

Mr. WALKER. I thank the gentleman for that explanation, but I will tell you, it does give this gentleman some pause that once again we have a revenue raising measure, which is essentially what this did, that has originated in the Senate, I think that that is extraconstitutional in its application, and I do have some concern that it ends up being in the bill in a way that we cannot touch it.

I would be happy to yield to the gentleman.

Mr. HOYER. Because this is a good point, I think the gentleman is making a good point, but I want to point out to the gentleman that under current law without this bill or any further action of the Congress, the IRS can in fact raise the fees that are referenced in this bill. What they cannot do, however, is apply that to IRS expenditures.

I think the gentleman is probably not correct that this is the authorizing

of a new fee, but they can apply it, it goes into the general fund as opposed to IRS, and that is the difference here.

Mr. WALKER. I have to tell the gentleman, I would feel far more comfortable if the bill contained provisions to take away from the IRS the authority to raise the fees, rather than actually raising the fees so that we comply with what IRS can actually do anyway. The IRS has enough money to do their operation.

We also restore some agencies that some folks thought we probably could get along without. In this bill again we will not be able to touch it.

The courthouse funding which had actually been reduced through action here in the House proposed by the gentleman from Oklahoma [Mr. ISTOOK] in fact has gone up in this bill and we are now going to be out there building more courthouses and doing more work of that type than we were before.

I guess the gentleman wants to respond on this one, too. I would be happy to yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

I just want to make sure. His point is well taken but it is because of course as he knows, there are additional projects. However, even the projects that were added by the Senate agreed to in conference, felt by the Senate to be priority projects, were reduced across the board as we did in the House. I know the gentleman is aware of that. So that all of the projects were proportionately reduced across the board.

Mr. WALKER. Yes. But the fact is that what we did was we did an add-on so that the actual spending is up, is that not true?

Mr. HOYER. The gentleman is correct if you talk only about the Federal buildings. The gentleman I know will be very pleased that this conference report is $500,000, not even worth mentioning, I suppose, except below in outlays the House-passed bill. That is very unusual.

Mr. WALKER. I am always happy to save $500,000 but I am always a little worried about where we end up spending the money. The fact that we end up spending the money in some places here that I find questionable, I think the House should have at least had an opportunity to address it.

Finally, I think that some of my colleagues will be interested that the White House spending is up in this bill. That, too, gives some pause for a White House that continued to claim throughout the campaign that indeed one of the places where we were going to demonstrate savings was at the top itself, in the White House, and now what we find is that the spending is going up, not down, and some of us think that maybe that is something that probably ought to be addressed within the context of this bill, and because of this rule, we are not going to have an opportunity to address that very important item.

I will be happy to yield to the gentleman again.

Mr. HOYER. I thank the gentleman for yielding.

As the gentleman I am sure knows, he is correct from the sense of White House spending is up over 1994, $10 million of course of which as the gentleman I am sure knows is related to the Federal drug control program. But the gentleman I know will be pleased to know that with respect to the White House Office on Administration, even though we went up, the Senate funded, we reduced from the White House request, which is one of the few times in the last 14 years that we have done that, one of perhaps twice that we have done that.

Mr. WALKER. Let me tell the gentleman that the idea that we are putting the money into drug control is obviously a nice thing to be doing. However, it was in the drug control functions where they demonstrated all the savings the last year. When they were going public with all this money they were saving at the White House and we were told about all the staff they were cutting and everything that was going on at the White House, the fact is the only place that was taking a huge blow was in the drug control portion of the bill.

□ 1210

Now we get out to a year later, all of the headlines have been written, the stories have been done, and all of a sudden we are in with an additional amount of money for that office that in fact swells the budget and causes some concern.

I am a little concerned we get past the press release and now we are back to the spending, and in my view it is something that the House ought to address again on this floor as a matter of amendments in disagreement or other kinds of devices that would be open to us if it were not for the provisions of this rule that waive all points of order.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, first I want to commend the gentleman from Maryland [Mr. HOYER] and the gentleman from Iowa [Mr. LIGHTFOOT] because they have done a very good job on this bill.

The one problem here is that we are waiving the 3-day layover, we are waiving all points of order, and we are waiving scope, which really concerns me. I am looking, for example, at amendment No. 52 which authorizes the GSA to expend $736 million in obligational authority for construction of Federal building projects instead of the $502 million contained in the House bill.

Mr. WALKER. So we are up $250 million?

Mr. SOLOMON. Yes, nearly $250 million, and that is why we should not be waiving these points of order. We should not be waiving the 3-day layover or waiving scope, because how many more scope problems are in this conference report? That is really the problem we are faced with here today.

Unfortunately, we are racing toward a deadline to get out of here, and when we do that we generally end up with what could be good legislation being loaded down with pork, and under this format, there will be no opportunity to correct it.

Mr. WALKER. I certainly agree with the gentleman. I just express these concerns that are items down in here that the House typically would have a chance to address. We are not going to get that chance to address them as a result of this rules procedure. I know the gentleman from New York and the gentleman from Tennessee have worked hard to bring the rule to the floor. They are operating under time constraints, as is the gentleman from California who brings this rule to us. I have no doubt but what the committee also tried to do their best. But we are faced with a situation here where there are a number of questions that the House is not going to be able to speak to, and I for one will feel constrained to vote against the rule because of the nature of those concerns.

But I do thank the gentleman from Tennessee very much for yielding me the time.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may desire to the gentleman from Wisconsin [Mr. OBEY], chairman of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I would simply take this time because I know a number of Members have asked about the question of congressional pay, and I think Members need to understand that passage of this bill will make certain that there will be no cost of living increase for congressional pay this year. That will mean the second year in a row that there is no COLA for Members of Congress.

I think it is important to understand that the Congress has essentially made a decision that there will be a 2-year period, given the squeeze on the country, when there would be no increase in the COLA. I would urge Members to vote for the rule, for the bill, pass the bill as quickly as possible so we can get on to other business and finish all of the remaining appropriation bills within the timetable for this fiscal year.

Mr. WALKER. Mr. Speaker, will the gentleman yield for a moment?

Mr. OBEY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I just want to clarify. Is the gentleman stating that a vote for the bill will in fact

be a vote to limit the COLA; a vote against the bill could be construed as a vote against limiting the COLA? Is that what the gentleman is saying?

Mr. OBEY. Mr. Speaker, I cannot discuss how any vote can be construed by anybody. All I can tell the gentleman is if he votes for this bill he will be voting for a bill which prevents Members of Congress from getting a cost of living increase.

Mr. WALKER. That is what I wanted to clarify.

Mr. OBEY. I think that is what we ought to do.

Mr. WALKER. I thank the gentleman.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I thank the gentleman for yielding me the time. If possible, I would like to pursue a line of questioning with the chairman of the subcommittee.

Earlier this year the gentleman and I expressed some alarm that just weeks after the House adopted the Work Force Reduction Act, which on the one hand provided a buyout provision for those who would retire early, but on the other hand set the targets to reduce the Federal work force by 10 percent over the next 6 years, we had legislation on the floor that expressly exempted the Department of Veterans Affairs from that work force reduction which, of course, would put a heavier burden on every other department and agency. I am curious to know whether there is anything in the Treasury-Postal appropriation bill which would exempt additional departments, agencies or functions within the government from that 10 percent work force cut?

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman raising this very important question. He and I did raise this issue and it was a difficult one to take on, because it was perceived as not being consistent with the interests there.

I will tell the gentleman that there is in this bill which came from the Senate a 5-year freeze or 5-year exemption on FTE's for law enforcement included within the Treasury Department.

Mr. PENNY. Could the gentleman delineate for me the various law enforcement activities that would be affected here? Is that INS or is that in the Justice Department? That would be in Justice.

Mr. HOYER. ATF, Bureau of Alcohol, Tobacco and Firearms, the Customs law enforcement folks, Secret Service and IRS law enforcement officials.

I will try to get, I do not know the total number, but the gentleman knows my position and the compromise was that we went down to 1 year.

Mr. PENNY. A 1-year delay?

Mr. HOYER. The gentleman is correct. I believe that they can reach the numbers, their objectives.

Mr. PENNY. Recognizing that the bulk of the law enforcement personnel would be in the Justice Department appropriations bill with the FBI and the INS, and I think Customs is also in that bill.

Mr. HOYER. Customs is in this bill under the Treasury Department.

Mr. PENNY. The bulk though of the law enforcement personnel would be in that other piece of legislation. If I might ask, where does that stand?

Mr. HOYER. That bill has been signed by the President.

Mr. PENNY. Where does it stand in terms of my provision in terms of those law enforcement personnel?

Mr. HOYER. I do not believe there was a freeze, but frankly, I am not confident of my answer.

Mr. PENNY. The gentleman does not believe, based on his recollection, that there was an exemption or delay?

Mr. HOYER. We can find out for the gentleman in the next few minutes.

Mr. PENNY. I would appreciate that. I would like to find out specifically what happened in that bill, and I thank the gentleman.

Mr. HOYER. I thank the gentleman for his question.

Mr. QUILLEN. Mr. Speaker, I yield 7 minutes to the gentleman from Oklahoma [[Mr. ISTOOK].

Mr. ISTOOK. Mr. Speaker, I appreciate the gentleman yielding me the time.

Mr. Speaker, as a member of the subcommittee working on this particular piece of legislation, I rise to speak against this rule. Let me mention what is within this bill and what are some of the differences and a little bit of the terminology that is being used to perhaps conceal what is in this bill.

When this bill came through the House the first time, and I voted for it, it had for new Federal construction projects a figure, a reduced figure from what had been requested, a figure of $500 million in budget authority. Now the bill has over $700 million in budget authority.

The question is not whether somebody can claim this year's outlays will only be an extra half million dollars because it locks us into spending an additional $200 million over the next 5 years.

□ 1220

Do we need it? When construction programs for Federal buildings, take courthouses, if you were building a State or local courthouse, the cost per square foot is approximately $100. If, however, you were building a Federal courthouse, the cost per square foot is about $200. Why? Because we add on so many things, so many things that sometimes are not even in the original projections or estimates or plans like the marble staircases or the private baths for umpteen different judges all within the same courthouse or whatever it might be.

We debated this previously on the House floor. We applied a percentage reduction which should have been more to the Federal courthouse construction, and then after the House said we want a percentage reduction, the Senate comes in and adds $200 million in more projects.

What good does it do you to save a few bucks if then you go out and buy the whole store? You cannot afford to buy everything just because you decide it is marked down a teeny bit.

Not only does this bill have the extra $200 million in multiyear spending for the courthouse construction, it also is going to lock people into paying $149 million more in fees to the Federal Government, fees that vary from people that are in the import business, people that are in the liquor business, and people that are just trying to get copies of their tax returns.

Now, somebody can stand up and say, "Well, we are not actually mandating the fees, because we do not have a line in the bill that says these fees will go up $149 million." But we write into the bill to these agencies, the IRS in particular, "You are not going to have enough money to do your job if you do not raise these fees, because we reduced the amount in the general government account and forced you to raise fees to make up the difference to spend the amount of money we are approving for your overall budget." It is raise fees or else. That is the predicament that is created.

Are we supposed to stand here as Members of Congress and say, "My goodness, tell your constituents I had to raise spending $200 million; I had to raise fees $149 million, because if I did not, somebody would accuse me of voting against the pay increase?" Is this the price? Is this the price of saying we should not raise congressional pay, instead, we are going to raise fees on the taxpayers $149 million and we are going to raise spending $200 million?

The bill needs to be recommitted to go back and take out the spending increases and take out the authority on the fee increases and still leave in the restriction to prevent the raising of congressional pay. We should not have to pay that kind of price.

Mr. Speaker, I urge people accordingly to vote against the rule.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. ISTOOK. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman's remarks, and I had, of course, the conversation with the gentleman from Pennsylvania. We did not include the fees, as the gentleman knows, as they went from the House. The Senate did include them.

As you know, however, two factors, I think, with respect to these fees: First of all, the previous administrations, as you know, have recommended fees for services rendered when they were parks, use of parks, or other fees of that nature. These fees, of course, are for services rendered by the IRS, and as the gentleman knows and supported, and we added in because we were very concerned about this, that this was not just some general taxation revenue raiser. This is limited and will be audited by GAO to fees for costs incurred for services rendered.

So I appreciate the gentleman's remarks. Obviously he is correct. We did not have these in the House. They are now in here. We did not take the customs fees, as you know, but they are fees for costs incurred and must be limited to that amount.

Mr. ISTOOK. Mr. Speaker, I appreciate Chairman HOYER's remarks. He brings up a very interesting situation, and I want to respond to it.

As he mentions, fees increases are there on the principle that he who receives a service will pay for the service. It is a correct principle. However, when we have already just gone through general tax increases that hit all portions of the population, for example, gasoline tax, fee tax increases, the things that happened last year, increasing the taxation of Social Security benefits, raising taxes generally, why do you want to do that and then come back and say, now, on top of that, we want people to pay extra for services they receive through fees? If the principle is that he who receives a service should pay for it, it is a correct principle, and do it through fee increases. But if you have already had a general tax increase, why did you not apply that money to the same need?

The problem is it is double-dipping, in my book, to hit taxpayers with both of these.

I endorse the principle that if a fee increase is necessary, it is necessary, but do not fail to use fee increases for something and then say we need general taxes as well.

I think that we should decide on one principle or the other. The American people do not believe they are taxed too little. They know that they are taxed too much.

I would urge defeat of the rule and of the bill.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I thank my distinguished colleague for yielding me this time.

Mr. Speaker, I rise in opposition to this bill. People all over this Nation are wanting us to reduce Federal spending, and if we cannot reduce it, they are at least wanting us to hold the line.

This bill contains a $1 billion increase in spending. It has an increase that is approximately double the rate of inflation for the past year. It has a $40 million increase for the Executive Office of the President. It has a $139 million increase for the Internal Revenue Service. It has a $19 million increase for the Bureau of Alcohol, Tobacco and Firearms after they blew money so wastefully and ridiculously in the Waco fiasco. It has 15 percent more for the Federal Election Commission. It has 71 percent more for the National Historical Publications and Records Commission, and on and on and on.

A few weeks ago in the Christian Science Monitor, former Senator Paul Tsongas wrote a column. He said:

> If you think sending a chunk of your hard-earned income to the Internal Revenue Service was tough this year, imagine the responses of future taxpayers who will face average lifetime tax rates of an incredible 82 percent.
>
> Confronted with the burdens of a monstrous national debt, an aging population, and runaway federal entitlement programs, tomorrow's Americans will be turned into a generation of indentured servants. They won't stand for it. Without action today, we are likely to see generational political wars by the end of the decade.

Former Senator Tsongas is right. This is a very serious problem. We need to be doing something about it. At the very time that the most liberal administration in history tells us we need to downsize the Federal Government by a reduction of 252,000 employees, we continue to increase spending in bill after bill.

This bill also includes a 2.6-percent increase in pay for Federal employees when they are already receiving far more than employees in the private sector.

This is a bad bill, Mr. Speaker, and I urge its defeat.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to conclude, as I said earlier, this rule waives all points of order against the conference report.

I do want to take just a moment to let the Members know exactly what those waivers are so that they will have them in mind when they cast votes. The first is of the 3-day layover rule. We have only had 2 days to look at this. In some cases, I think, it is proper to worry about that. In this particular case, I think it is fair to say that our friends on the other side of the aisle and everyone among the membership have had adequate opportunity to find out what is in this bill.

The second, and perhaps most important waiver, has to do with clause 2 of rule XXI, unauthorized appropriations. There is a total, as has been pointed out, of 12 unauthorized projects included in the bill. However, none of these funds may be expended until or unless they become authorized.

And third, and finally, there is a waiver of clause 3 of rule XXVIII prohibiting conference reports from exceeding the scope of the legislation committed to conference. This was, as I pointed out earlier, the only known scope violation which occurs because of the crime bill, since that bill was passed subsequent to the passage of the appropriations bills in both the House and Senate; all of those provisions needed to be added, and, therefore, violate the scope rule. The amount of funding, however, for the crime bill purposes is about $38.7 million. I think it is fair to say there is no great objection to those particular funds.

Since the total funding in the bill is within the 602(b) budget allocation, therefore, no Budget Act waiver is necessary as is sometimes the case, and I want Members to be aware of that.

This is, in sum, I think it is fair to say, a good conference report. It is fiscally responsible and contains very important programs.

I urge my colleagues to accept the rule so we can vote on the appropriation measure today.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

□ 1230

The SPEAKER pro tempore (Mr. MFUME). The question is on the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 250, nays 169, not voting 15, as follows:

[Roll No. 435]

YEAS—250

Abercrombie	Borski	Condit
Ackerman	Boucher	Conyers
Andrews (ME)	Brewster	Coppersmith
Andrews (NJ)	Brooks	Costello
Andrews (TX)	Browder	Coyne
Applegate	Brown (CA)	Cramer
Bacchus (FL)	Brown (FL)	Danner
Baesler	Brown (OH)	Darden
Barca	Byrne	de la Garza
Barcia	Cantwell	Deal
Barlow	Cardin	DeFazio
Barrett (WI)	Carr	DeLauro
Becerra	Chapman	Dellums
Beilenson	Clay	Derrick
Berman	Clayton	Deutsch
Bevill	Clement	Dicks
Bilbray	Clyburn	Dingell
Bishop	Coleman	Dixon
Blackwell	Collins (IL)	Dooley
Bonior	Collins (MI)	Durbin

Edwards (TX)
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NAYS—169

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Mica
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Ballenger
Bryant
Cooper
Edwards (CA)
Gallo
Gingrich
Inhofe
Johnson (SD)
McCurdy
Rangel
Ravenel
Slattery
Sundquist
Synar
Washington

□ 1250

The Clerk announced the following pair:

On this vote:

Mr. Rangel for, with Mr. Ballenger against.

Mr. EVERETT and Mr. ENGEL changed their vote from "yea" to "nay."

Mr. MILLER of California and Mr. HALL of Texas changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1250

Mr. HOYER. Mr. Speaker, pursuant to the order of the House, I call up the conference report on the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the provisions of House Resolution 537, the conference report is considered as read.

(For conference report and statements, see proceedings of the House of Tuesday, September 20, 1994, at page H9253.)

The SPEAKER pro tempore. The gentleman from Maryland [Mr. HOYER] will be recognized for 30 minutes, and the gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conferees have reached agreement on H.R. 4539 the Treasury, Postal Service, and general government appropriations bill for fiscal year 1995.

H.R. 4539 provides a total of $23.5 billion in new budget authority for the agencies under this bill for fiscal year 1995. The conference agreement—after scorekeeping adjustments is:

TOTAL

The sum of $260 million under 602(b) in budget authority; $253 million under 602(b) in outlays; $743 million under President's request in budget authority; $274 million under President's request in outlays; and $.5 million under House in outlays.

DISCRETIONARY

The sum of $11 million under 602(b) in budget authority; $8 million under 602(b) in outlays; $743 million under President's request in budget authority; $274 million under President's request in outlays; and $.5 million under House in outlays.

I ask unanimous consent to insert a table in the RECORD providing details of this conference report.

LAW ENFORCEMENT/CRIME CONTROL

Mr. Speaker, the conference report on H.R. 4539 funds Federal agencies deeply involved in implementing anti-crime initiatives.

It provides over $100 million more for law enforcement than in 1994, and nearly $70 million more than the President requested.

This includes across the board increases for all law enforcement efforts managed by Treasury and the drug czar's office, from money laundering and financial crimes to drug smuggling and gun running. Some specific examples:

It provides $7 million to combat international counterfeiting, a growing threat to America's economic security.

It provides resources to allow Secret Service to use its forensics technology to combat crimes against missing and exploited children.

It expands our emphasis on high intensity drug trafficking areas to include Puerto Rico, a new popular port of entry for the drug cartels.

It initiates pilot programs in new ballistics technologies designed to increase the efficiency of firearm laboratories by a factor of 100.

It provides $10 million for expansions to law enforcement training facilities.

It establishes a $15 million reserve in the drug czar's office to be used in case the drug smugglers begin to get the upper hand.

It restores $14 million for pilots and planes and boats to protect some of the emptier spaces on our borders.

Expands the GREAT [Gang Resistance Education and Training] Program by $9 million, a program designed to prevent youngsters from beginning a violent life.

Provides money to expand all of Treasury's other law enforcement efforts focusing on money laundering, financial crimes, Brady Act enforcement and other areas.

This bill also maintains our commitment to vigorous law enforcement by exempting Treasury officers from across the board cuts under the Federal Work Force Restructuring Act for 1 year.

As a rule, I would not support such an exemption, but make an exception in this case because it does not make sense to try to put 100,000 law enforcement officers on the street while reducing the number of Federal officers protecting our borders and supporting State and local efforts.

Finally, the bill will ease administrative problems for law enforcement officers by enacting availability pay, an overtime system that provides fair compensation for extra work while eliminating the need for precise overtime calculations.

EXECUTIVE OFFICE OF THE PRESIDENT

In the Executive Office of the President, the conferees have provided $311 million, $13 million more than the $298 million provided in fiscal year 1994—$10 million of which is related to Federal Drug Control Program.

The current on board strength as of today is 1,034 positions and the average year end strength is anticipated to be 1,035— 9 positions below the 1,044 level proposed last year. The 1,044 level was a 25 percent reduction from the Bush Administration staff level. The 1,034 level means the President has surpassed his goal of a 25 percent reduction in personnel in the Executive Office of the President.

INDEPENDENT AGENCIES

In the General Services Administration, the conferees provided funding for additional construction projects, and have also included language which gives the legislative committees of both the House and Senate an opportunity to review in detail these projects and to approve or disapprove any unauthorized projects prior to the obligation of funds.

REINVENTING GOVERNMENT

Mr. Speaker, I also want to discuss our response to the Vice President's challenge to make "Government work better and cost less."

The conferees continued a provision for all agencies within this bill which allows them to carry over 50 percent of their savings for productivity investments. Adding market incentives for efficiency is, in my opinion, the key to making Government work better.

We have continued our support for performance management, which we intend to fully pursue in next year's hearings. I believe that we must identify achievable goals and performance measures to measure progress or failure, if we are to restore the American people's trust in how their Government spends their money.

In summary, the conferees funded all agencies at a level that would enable them to continue their operations in the most effective and efficient way possible.

Mr. Speaker, I believe that this is a good conference report. It represents a reasonable compromise with the Senate. I believe that it is fair, it is well done, and I urge Members to support the conference report.

□ 1300

Mr. Speaker, I want to thank the ranking member, the gentleman from Iowa [Mr. LIGHTFOOT], the gentleman from Virginia [Mr. WOLF], and the gentleman from Oklahoma [Mr. ISTOOK], as well as the majority members on our committee, the gentleman from Indiana [Mr. VISCLOSKY], the gentleman from Georgia [Mr. DARDEN], the gentleman from Massachusetts [Mr. OLVER], the gentleman from Alabama [Mr. BEVILL], the gentleman from Minnesota [Mr. SABO], and, of course, the gentleman from Wisconsin [Mr. OBEY], who is an ex officio member, as is the ranking Republican member on the Committee on Appropriations, the gentleman from Pennsylvania [Mr. MCDADE].

I also want to express my thanks to the majority staff and the minority staff. We worked closely together. We do not always agree, but I think we have confidence in one another, and when we disagree, we do so in a positive fashion.

Mr. Speaker, I include for the RECORD the following figures.

H.R. 4539 - Treasury Department, U.S. Postal Service, Executive Office of the President, and Independent Agencies, 1995

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices	105,150,000	107,629,000	105,150,000	104,400,000	104,479,000	-671,000
Office of Inspector General	28,897,000	30,497,000	28,897,000	30,497,000	29,700,000	+803,000
Financial Crimes Enforcement Network	18,280,000	19,524,000	18,280,000	20,690,000	19,823,000	+1,543,000
Treasury Forfeiture Fund (limitation on availability of deposits)	32,500,000	15,000,000	15,000,000	15,000,000	15,000,000	-17,500,000
Federal Law Enforcement Training Center:						
Salaries and Expenses	47,445,000	46,713,000	46,713,000	47,114,000	46,713,000	-732,000
Acquisition, Construction, Improvements, & Related Expenses	12,712,000	6,815,000	9,815,000	16,815,000	16,815,000	+4,103,000
Total, Federal Law Enforcement Training Center	60,157,000	53,528,000	56,528,000	63,929,000	63,528,000	+3,371,000
Financial Management Service	209,877,000	185,389,000	185,389,000	183,697,000	183,889,000	-25,988,000
Bureau of Alcohol, Tobacco and Firearms	366,446,000	378,915,000	378,181,000	385,315,000	385,315,000	+18,869,000
United States Customs Service:						
Salaries and Expenses	1,350,668,000	1,392,490,000	1,391,700,000	1,378,914,000	1,394,793,000	+44,125,000
Operation and Maintenance, Air and Marine Interdiction Programs	47,863,000	83,091,000	78,991,000	91,891,000	89,041,000	+41,178,000
Operations and Maintenance, Customs P-3 Drug Interdiction Program	28,000,000	.....	.....	.....	.....	-28,000,000
Air and Marine Interdiction Programs, Procurement	21,093,000	.....	.....	.....	.....	-21,093,000
Customs Facilities, Construction, Improvements and Related Expenses	5,000,000	.....	.....	1,000,000	1,000,000	-4,000,000
Customs Services at Small Airports (to be derived from fees collected)	1,406,000	1,406,000	1,406,000	1,406,000	1,406,000	.....
Total, United States Customs Service	1,454,030,000	1,476,987,000	1,472,097,000	1,473,211,000	1,486,240,000	+32,210,000
United States Mint	54,770,000	55,740,000	54,770,000	55,740,000	55,740,000	+970,000
Bureau of the Public Debt	187,209,000	183,458,000	183,458,000	183,458,000	183,458,000	-3,751,000
Payment of Government Losses in Shipment	500,000	500,000	500,000	500,000	500,000	.....
Internal Revenue Service:						
Administration and Management	167,822,000	233,318,000	225,632,000	163,431,000	225,632,000	+57,810,000
Processing Tax Returns and Assistance	1,698,853,000	1,616,295,000	1,616,295,000	1,586,028,000	1,511,266,000	-187,587,000
Tax Law Enforcement	4,007,962,000	3,966,280,000	4,412,580,000	4,358,180,000	4,358,180,000	+350,218,000
Information Systems	1,471,448,000	1,757,614,000	1,240,357,000	1,368,000,000	1,388,000,000	-83,448,000
Total, Internal Revenue Service	7,344,085,000	7,593,507,000	7,494,864,000	7,465,639,000	7,483,078,000	+138,993,000
United States Secret Service	461,931,000	470,117,000	476,931,000	474,966,000	476,931,000	+15,000,000
Procurement reform	.....	-33,437,000	-33,437,000	-33,437,000	-33,437,000	-33,437,000
Total, Title I, Department of the Treasury	10,323,632,000	10,537,354,000	10,434,808,000	10,453,627,000	10,454,244,000	+130,612,000
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund	91,434,000	92,317,000	85,717,000	102,317,000	92,317,000	+883,000
Payment to the Postal Service Fund for Nonfunded Liabilities	38,803,000	37,776,000	37,776,000	37,776,000	37,776,000	-1,027,000
Total, Title II, Postal Service	130,237,000	130,093,000	123,493,000	140,093,000	130,093,000	-144,000
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President	250,000	250,000	250,000	250,000	250,000	.....
The White House Office	38,754,000	41,832,000	38,754,000	40,193,000	40,193,000	+1,439,000
Executive Residence at the White House	7,925,000	7,827,000	7,827,000	7,827,000	7,827,000	-98,000
Official Residence of the Vice President	324,000	327,000	324,000	324,000	324,000	.....
Special Assistance to the President	3,270,000	3,291,000	3,270,000	3,280,000	3,280,000	+10,000
Council of Economic Advisers	3,420,000	3,457,000	3,420,000	3,439,000	3,439,000	+19,000
Office of Policy Development	5,122,000	5,058,000	5,058,000	5,058,000	5,058,000	-64,000
National Security Council	6,648,000	6,832,000	6,648,000	8,222,000	6,648,000	.....
Office of Administration	24,850,000	27,564,000	24,850,000	26,217,000	26,217,000	+1,367,000
Procurement reform	.....	-117,000	-117,000	-117,000	-117,000	-117,000
Office of Management and Budget	56,539,000	56,272,000	56,272,000	55,061,000	57,754,000	+1,215,000
Office of National Drug Control Policy	11,687,000	9,942,000	9,942,000	9,942,000	9,942,000	-1,745,000
Unanticipated Needs	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	.....
Federal Drug Control Programs:						
High Intensity Drug Trafficking Areas Program	86,000,000	98,000,000	98,000,000	110,000,000	107,000,000	+21,000,000
Special Forfeiture Fund	52,500,000	52,500,000	14,500,000	52,500,000	41,900,000	-10,600,000
Transfer to other agencies:						
Internal Revenue Service	(6,000,000)	.....	.....	.....	.....	(-6,000,000)
El Paso Intelligence Center	(4,000,000)	.....	(1,800,000)	.....	(1,800,000)	(-2,200,000)
Bureau of Alcohol, Tobacco and Firearms	(5,000,000)	.....	.....	.....	.....	(-5,000,000)
SAMSHA	(15,000,000)	(45,000,000)	.....	(25,000,000)	(14,000,000)	(-1,000,000)
CTAC (RandD)	(7,500,000)	(7,500,000)	(8,000,000)	(7,500,000)	(8,000,000)	(+500,000)

H.R. 4539 - Treasury Department, U.S. Postal Service, Executive Office of the President, and Independent Agencies, 1995 - Cont.

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Community Partnership Grants (CSAP)	(10,000,000)					(-10,000,000)
ONDCP Director discretion	(5,000,000)		(5,000,000)	(20,000,000)	(18,100,000)	(+13,100,000)
Total, Federal Drug Control Programs	136,500,000	150,500,000	112,800,000	162,500,000	148,900,000	+10,400,000
(Transfer to other agencies)	(52,500,000)	(52,500,000)	(14,800,000)	(52,500,000)	(41,900,000)	(-10,600,000)
Total, Title III, Executive Office of the President	298,289,000	313,855,000	270,296,000	323,216,000	310,715,000	+12,426,000
TITLE IV - INDEPENDENT AGENCIES						
Administrative Conference of the United States	1,800,000	2,588,000		1,800,000	1,800,000	
Advisory Commission on Intergovernmental Relations	1,000,000	1,390,000		1,000,000	1,000,000	
Citizens' Commission on Public Service and Compensation (rescission)	-250,000					+250,000
Committee for Purchase from People Who Are Blind or Severely Disabled	1,689,000	1,682,000	1,682,000	1,682,000	1,682,000	-7,000
Federal Election Commission	23,564,000	27,106,000	23,564,000	27,106,000	27,106,000	+3,542,000
Federal Labor Relations Authority	21,341,000	21,540,000	21,341,000	21,540,000	21,341,000	
General Services Administration:						
Federal Buildings Fund:						
Appropriation	288,466,000	-69,931,000	361,615,520	500,000,000	466,917,000	+178,431,000
Rescissions	(-185,344,000)		(-78,205,000)	(-88,656,000)	(-78,076,000)	(+107,268,000)
Limitations on availability of revenue:						
Construction and acquisition of facilities	(925,027,306)		(502,709,520)	(733,229,000)	(738,233,000)	(-186,794,306)
Repairs and alterations	(523,782,000)	(812,226,000)	(815,268,000)	(712,356,000)	(736,709,000)	(+212,927,000)
Installment acquisition payments	(118,108,000)	(127,531,000)	(127,531,000)	(127,531,000)	(127,531,000)	(+9,423,000)
Rental of space	(2,117,421,000)	(2,204,628,000)	(2,204,628,000)	(2,173,000,000)	(2,173,000,000)	(+55,579,000)
Real property operations	(1,226,085,000)	(1,323,689,000)	(1,323,689,000)	(1,309,525,000)	(1,309,525,000)	(+83,440,000)
Program direction	(156,613,000)					(-156,613,000)
Design and construction services	(184,081,000)					(-184,081,000)
Rental income to fund						
Total, Federal Buildings Fund	288,466,000	-69,931,000	361,615,520	500,000,000	466,917,000	+178,431,000
(Limitations)	(5,251,117,306)	(4,468,074,000)	(4,973,825,520)	(5,055,641,000)	(5,062,996,000)	(-188,119,306)
Real Property Activities:						
Construction and Acquisition		1,478,690,000				
(Construction)		(479,690,000)				
(Acquisition)		(999,000,000)				
Federal Supply Service	43,420,000					-43,420,000
Use of proceeds of sales and overpayments	12,384,000					-12,384,000
Information Resources Management Service	45,675,000					-45,675,000
Federal Property Resources Service	15,758,000					-15,758,000
Operating Expenses	31,435,000	133,420,000	123,020,000	130,036,000	130,036,000	+98,601,000
Office of Inspector General	34,925,000	33,090,000	33,090,000	33,090,000	33,090,000	-1,835,000
Allowances and Office Staff for Former Presidents	2,833,000	2,690,000	2,215,000	2,215,000	2,215,000	-618,000
Procurement reform		-8,959,000	-8,959,000	-8,959,000	-8,959,000	-8,959,000
Total, General Services Administration	474,914,000	1,589,000,000	510,981,520	656,382,000	623,299,000	+148,385,000
John F. Kennedy Assassination Record Review Board		2,418,000	2,418,000		2,150,000	+2,150,000
Merit Systems Protection Board:						
Salaries and Expenses	24,674,000	24,549,000	24,549,000	24,549,000	24,549,000	-125,000
(Limitation on administrative expenses)	(1,969,000)	(1,969,000)	(2,420,000)	(1,969,000)	(2,250,000)	(+281,000)
Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation		10,000,000		10,000,000	10,000,000	+10,000,000
National Archives and Records Administration	190,232,000	194,638,000	194,638,000	200,238,000	195,238,000	+5,006,000
Reduction of debt	-3,387,000	-3,692,000	-3,692,000	-3,692,000	-3,692,000	-295,000
Procurement reform		-325,000	-325,000	-325,000	-325,000	-325,000
National Historic Publications and Records Commission	5,250,000	4,000,000	7,000,000		9,000,000	+3,750,000
Office of Government Ethics	8,313,000	8,104,000	8,104,000	8,104,000	8,104,000	-209,000
Office of Personnel Management:						
Salaries and Expenses	118,533,000	112,139,000	115,139,000	111,778,000	115,139,000	-3,394,000
(Limitation on administrative expenses)	(88,519,000)	(93,934,000)	(93,934,000)	(92,504,000)	(93,934,000)	(+5,415,000)
Office of Inspector General	4,253,000	4,009,000	4,009,000	4,009,000	4,009,000	-244,000
(Limitation on administrative expenses)	(6,514,000)	(6,156,000)	(6,156,000)	(6,156,000)	(6,156,000)	(-358,000)
Government Payment for Annuitants, Employees Health Benefits	3,805,460,000	4,210,560,000	4,210,560,000	4,210,560,000	4,210,560,000	+405,080,000
Government Payment for Annuitants, Employee Life Insurance	1,607,000	19,159,000	19,159,000	19,159,000	19,159,000	+17,552,000
Payment to Civil Service Retirement and Disability Fund	7,065,819,000	7,339,638,000	7,339,638,000	7,339,638,000	7,339,638,000	+273,819,000
Employees Health Benefits Fund (limitation on administrative expenses)	(14,774,000)					(-14,774,000)
Employees Life Insurance Fund (limitation on administrative expenses)	(826,000)	(753,000)	(753,000)	(753,000)	(753,000)	(-73,000)
Retired Employees Health Benefits Fund (limitation on administrative expenses)	(165,000)	(81,000)	(81,000)	(81,000)	(81,000)	(-84,000)
Procurement reform		-1,256,000	-1,256,000	-1,256,000	-1,256,000	-1,256,000
Total, Office of Personnel Management	10,995,692,000	11,684,249,000	11,687,249,000	11,683,888,000	11,687,249,000	+691,557,000

H.R. 4539 - Treasury Department, U.S. Postal Service, Executive Office of the President, and Independent Agencies, 1995 - Cont.

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Office of Special Counsel	7,992,000	7,955,000	7,955,000	7,955,000	7,955,000	-37,000
United States Tax Court	33,650,000	35,313,000	33,650,000	34,427,000	34,039,000	+389,000
Total, Title IV, independent Agencies	11,786,464,000	13,590,515,000	12,519,114,520	12,674,654,000	12,650,495,000	+864,031,000
Appropriations	(11,786,714,000)	(13,590,515,000)	(12,519,114,520)	(12,674,654,000)	(12,650,495,000)	(+863,781,000)
Rescission	(-250,000)					(+250,000)
(Limitation on administrative expenses)	(5,178,560,306)	(4,570,967,000)	(4,996,964,520)	(5,066,466,000)	(5,108,096,000)	(-70,464,306)
TITLE VII - VIOLENT CRIME CONTROL AND LAW ENFORCEMENT FUNDING						
Department of the Treasury						
Departmental Offices					2,400,000	+2,400,000
Financial Crimes Enforcement Network					2,700,000	+2,700,000
Bureau of Alcohol, Tobacco and Firearms					7,000,000	+7,000,000
Gang Resistance Education and Training: Grants					9,000,000	+9,000,000
United States Customs Service					4,000,000	+4,000,000
Internal Revenue Service: Tax Law Enforcement					7,000,000	+7,000,000
United States Secret Service					6,600,000	+6,600,000
Total, title VII, Violent Crime Control and Law Enforcement Funding					38,700,000	+38,700,000
Grand total (net)	22,536,822,000	24,571,817,000	23,347,513,520	23,591,590,000	23,584,247,000	+1,045,425,000
Appropriations	(22,539,072,000)	(24,571,817,000)	(23,347,513,520)	(23,591,590,000)	(23,584,247,000)	(+1,045,175,000)
Rescission	(-250,000)					(+250,000)
(Limitations)	(5,178,560,306)	(4,570,967,000)	(4,996,964,520)	(5,066,466,000)	(5,108,096,000)	(-70,464,306)
CONGRESSIONAL BUDGET RECAP						
Total in this bill	22,536,822,000	24,571,817,000	23,347,513,520	23,591,590,000	23,584,247,000	+1,045,425,000
Scorekeeping adjustments	-207,720,000	-331,245,000	-84,084,000	-128,464,000	-86,395,000	+121,325,000
Total mandatory and discretionary	22,331,102,000	24,240,572,000	23,263,429,520	23,463,126,000	23,497,852,000	+1,166,750,000
Mandatory	11,018,705,000	11,727,379,000	11,727,379,000	11,727,379,000	11,727,379,000	+708,674,000
General Purposes Discretionary	11,312,397,000	12,513,193,000	11,536,050,520	11,735,747,000	11,731,773,000	+419,376,000
Crime Trust Fund					38,700,000	+38,700,000

Mr. Speaker, I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think completion of work on this year's Treasury, Postal Service, and General Government appropriations bill has been a little more arduous than in past years, and in fact one issue threatened to derail the conference report entirely. But as the chairman just pointed out, we do have, I think, a good working relationship, and sometimes you fall back on those things in times of tension.

I think the bill is probably as good as we can do under the circumstances. Obviously, I favored the House version better than the one that came back from conference, because, as was discussed earlier on the rule discussion, there are some fees and so on here that I personally take exception with.

There are many items in the bill, however, that we do support, and they far outweigh the negatives, including our ability to provide adequate law enforcement resources for the Secret Service, the Customs Service, the Bureau of Alcohol, Tobacco and Firearms, and particularly under rather tight budgetary restraints.

I would call Members' attention to the $39 million crime package in title VII. This is authorized in addition to our regular funding for those agencies, and, as the chairman has already pointed out, we provided an additional $3 million for the financial crimes enforcement network, an additional $7 million for the Bureau of Alcohol, Tobacco and Firearms initiatives, and $9 million for the gang resistance education efforts, and an additional $4 million for Custom Service enforcement activities, and an additional $6.6 million to the Secret Service for anticounterfeiting activities and investigations of missing and exploited children.

Clearly, the anticrime provisions of this bill are strong, and I very strongly support them. I think it is important that we do point out, however, that this is for Federal law enforcement only. That is a point I think Members should understand and the public should understand. There are no social programs, there are no grants, no midnight basketball. This is purely for law enforcement activities of those Federal agencies which we both have mentioned.

For those who may have some heartburn because of the crime bill, and some of us that voted no, I would remind Members that of the seven specific crime bill related activities, only two of those activities, the Gray program and funds for missing and exploited children, are specifically authorized by the crime bill. So I think you can make a very legitimate argument that this, again, is for Federal law enforcement only, and that very well I think fits the formula.

The final conference report also strengthens White House antidrug and travel abuse oversight sought by many of my colleagues in the House. It includes language to tighten up on IRS taxpayer privacy protections, which was a concern that was brought to the public's attention in recent weeks, and I think that was the correct thing to do.

On the other hand, I know some of our colleagues have problems with the fact that the report restores funding for the Advisory Commission on Intergovernmental Relations and the Administrative Conference of the United States, both of which we eliminated here in the House, but it was put back in conference.

It also restores funding for GSA construction of courthouses, which was cut in the House by the Istook amendment, and I think that has been explained earlier, and may be explained again.

Finally, although there were efforts in the House to make reductions in funding for the Executive Offices of the President, a higher figure was included in the final conference report.

A final concern of mine dealt with user fees proposed by the Treasury Department. As you will recall, our House did adopt unanimously a motion to instruct conferees to reject new user fees requested by the Treasury Department, and although one of those fees, a customs merchandising fee was excluded from the final conference report, language was still retained in the final report which I believe encourages IRS to levy and raise user fees for certain services.

I have opposed these fees, and, in fact, in signing the conference report, that was the one exception I made to the report, that is amendment 29. I did object to that amendment in the conference report. I just believe it is wrong for government to charge citizens for services which are necessitated by the government.

Having said that, I would also like to compliment the chairman in the language he mentioned earlier that was put in, which basically says that if they do charge fees, it has to be based on the real world. If it costs x number of dollars to make a copy, then IRS cannot come in with a figure that is many times higher than that. But I personally have a basic problem with a tax-funded agency that we are required by law to deal with as private citizens who may be the ones requesting that we get the copies, and then charging us for the copies they are making. Somehow that just does not ring well. I do not think we should have to be paying user fees for a government we are already paying for, and by any stretch of the imagination, we are paying way too much.

But, nevertheless, those are in the package, and the chairman's language which says it will be a real cost, makes those fees a little bit more tolerable, although I still do not like them. But they are better than they were without any limits at all.

Finally, let me address what was probably the most contentious issue on this measure, and that is the whole thing over the congressional pay. I have always valued the open and courtesy manner in which our subcommittee has worked, and as the chairman referred in the closing of his remarks, it was definitely strained. But nevertheless when it got to the breaking point, it did hold together, and I think that is important as we look down the road in the long run. We might have a few seams on a few cracks, but it will heal.

I think if Members are not aware of the fact, I would like to tell them now that the House version of this bill was approved by the House, it contained a provision exempting Members from the governmentwide cost-of-living adjustment for next year. I am not aware of this issue ever being germane to this bill in the past, but since it did become germane to this bill, and since everyone whole voted yes on the House version of H.R. 4539 voted to freeze their own pay, when the Senate deleted the provision exempting Members from the pay raise, it did become a conferenceable item at that time.

I believe it would have been a disservice to my colleagues and constituents if I had not insisted on retaining the House position, plus I kind of like to sleep with myself at night. In terms of dollars, we are talking about roughly $6 million. The House COLA would have been about $1.7 million, Federal judges, $4.3, for a total of roughly six. As the ranking Republican on the subcommittee, I just could not allow this to go through, when it was within our power to stop it. At a time I think when public esteem of Congress is probably at an all-time low, I just do not believe the American people truly feel that we deserve a raise, and I think it would be irresponsible. There are others who have a very honest opinion that disagree with that, and I certainly respect them for doing that.

Having said that, I would like to add my thanks to the chairman and all of our subcommittee members and to the staff people on the senior staff, Bill Smith and Betsy Phillips, Don Cantu, Jennifer Mummert, Michelle Mrdeza, John Berry, the president of Maryland. Also Christy Smith, Barbara Comstock, and Paul Guppy. These people put in tremendous hours, they worked very hard. And whether Mr. HOYER and I want to admit it, they are the reason we succeed or fail. Without their hard work, we would not have been able to put the package together.

So, again, I do have some reservations, particularly on the user fees and on some of the courthouse funding, but

I do urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

□ 1310

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in strong support of the conference committee report that incorporates the House provision that denies Members of Congress a cost of living increase to their salaries. I think that that is appropriate.

At a time when the standard of living of the average American worker continues to decline and the gap between the rich and the poor continues to grow wider, it would be unjust and cynical for this body to accept a COLA increase.

Further, given the fact that the Congress still has not raised the minimum wage, which is at a pathetically low $4.25 an hour, a cost of living increase for Congress would be an outrageous insult to every low-income working American.

Mr. Speaker, the purchasing power of the minimum wage has declined by 26 percent since 1970, and people working 40 hours a week at the minimum wage with a family of three have an income below the poverty level. And that is why, Mr. Speaker, I have introduced H.R. 692, which increases the minimum wage to $5.50 an hour, and why last night, when I met with the President, I urged him to support an increase to the minimum wage.

Mr. Speaker, let us vote "no" for a cost of living increase for Members of Congress and "yes" to an increase in the minimum wage for low income workers. Let us support the Conference Report.

Mr. LIGHTFOOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is awfully easy sometimes to talk about bad things that are in a bill. I would like to mention one thing which the chairman was very gracious and accepted the language on, particularly in our State, we just came through a huge disaster last year with all the flooding. Of course we have had disasters in Florida and California and other parts around the country.

Basically, there is language in this bill which directs the IRS to institute a policy which would permit the service to waive fees to taxpayers that have been the victim of a natural disaster or other event which may have adversely impacted economic conditions in their community.

I think this is pretty much of a common sense sort of thing. When one is in the middle of a disaster, the last thing they are thinking about is filling out their IRS forms or anybody else's forms. And I do not think the IRS, quite frankly, wants to penalize people.

This way it makes it very clear what they can and cannot do. I think it helps give the IRS some direction. It is really a pretty common sense sort of thing to do.

I appreciate the chairman's cooperation in helping us put this in.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER] a distinguished and very conscientious member of this committee, one who works very hard on our committee.

Mr. OLVER. Mr. Speaker, I thank the gentleman from Maryland for yielding time to me.

I rise in support of this conference committee report and want to commend and congratulate the chairman of the subcommittee and the ranking member for bringing forward a piece of legislation which we can support in vast majority here of the membership with pride.

Mr. LIGHTFOOT. Mr. Speaker, I yield 5 minutes to a member of our subcommittee, the very able gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to address and expand a bit on what I said previously about my concerns with this particular piece of legislation. When this bill came through the House, I voted for it. I was willing to vote for the bill. I appreciated the work of the chairman and the other members of the subcommittee on which I serve in putting it together. But it is not the same now, Mr. Speaker, as when it came through the House.

There are two key differences that I think are very important, because they involve a substantial amount of taxpayer money. We have, of course, many Federal construction projects, courthouses and public buildings, Federal buildings that are underway. They are constantly underway.

We had provisions in this bill for about $500 million of new construction which of course would take several years to initiate and to complete. When that bill got over to the Senate, they added an additional $200 million in additional projects.

I am not here to say that House projects are good and Senate projects are bad. But if we agree on a level of $500 million for new construction, why increase it to 700 million? If the Senate has different priorities, it is incumbent upon us to sit down with Members of the Senate and say, these are the priorities but the total amount that we have to spend is the $500 million. We are not going to add to it.

Instead, Mr. Speaker, the House conferees have adopted the position of the Senate and have said instead of spending $500 million, let us spend $700 million dollars.

Mr. Speaker, that is how deficits are built. That is how the national debt is built, when we say that the way to compromise is by spending more rather than to shift our priorities. That is why the taxpayers need a voice within this body and within each conference committee saying, do not compromise by spending more, by dumping more upon the taxpayers. Yet that is what this bill seeks to do.

In addition to that, it has additional fees that were not in the House-passed version of this bill: fees to be charged by the IRS, fees if one wants a copy of their income tax return from past years because they did not keep it, they are almost going to triple the charge to a taxpayer to get that.

If one does not have the money to pay the IRS and they want a payout agreement, they are going to start a bigger fee for them to have to pay for the privilege of paying their taxes in installments to the IRS.

Mr. Speaker, this hits home on the taxpayer. This hits home on the normal citizen. This hits home on our constituents. This is $149 million in additional fees. We did not have it when the bill came through the House. We did not impose it on the members of the public. The Senate put it in. I say, take it out.

The Senate put in the other $200 million of additional construction. I say, take it out. If we do not have the money from the tax increases that were already imposed upon the American people, let us not do it through the back door with additional fee increases.

User fees are a correct principle, as I mentioned before, Mr. Speaker, but having user fees and the tax increases with which the American taxpayer has been saddled over and over is wrong. We should not be a party to that.

Mr. Speaker, I realize that there are some Members of this body who are afraid to vote against this bill. They are afraid because they think that someone will accuse them of voting against the provision in the bill which stops us from getting a pay increase. I am ready to stop us from getting a pay increase. But I am not ready to say that I have to swallow almost $350 million in additional spending and burdens on the taxpayers just to prove that I do not want a pay increase. What kind of logic is that?

The total cost to the t...payers if a pay increase did go through under cost of living adjustments would be under $2 million. So do we say that we have to swallow 350 million dollars' worth of spending and fees on the taxpayer just to prove we do not want the $2 million? It makes no sense.

I intend to offer a motion, Mr. Speaker, not to give us a pay increase. I do not want that. But to offer the motion

to recommit this to conference, to take out those spending increases on the construction and to take out the provisions that put the agencies in the position of having to raise the fees. that is what we need to do. Then we can bring the bill to the floor and people can vote for it.

I had other concerns about the conference report. There were a couple of very small agencies that this House had zero funded.

□ 1320

Those are the Administrative Conference of the United States and the Advisory Council on Intergovernmental Relations. They are only $200 million issues also. The Federal construction and the fee increases involve about $350 million of the taxpayers' money. We should not vote for the bill. We should recommit it instead.

Mr. HOYER. Mr. Speaker, before I yield to a very distinguished member of the committee, first I want to say that the gentleman from Oklahoma [Mr. ISTOOK] is a very productive and conscientious member of the subcommittee. I appreciate the way he deals with issues. We disagree from time to time, but I am never surprised by his position. He lets me know and he lets the committee know his position. He argues his position very honestly and effectively. I appreciate that kind of participation.

Mr. Speaker, let me say, as I did in response to the gentleman's observations when he spoke on the rule, let me reiterate what I said then. First of all, with respect to the buildings, the gentleman observes that there is $200 million additional spending. He is absolutely correct, from 500 to 700, in round numbers.

The fact of the matter is, of course, our Founding Fathers created a bicameral legislature. They created Senators who were elected by all of the States, and they created House Members, elected by portions of States.

Quite clearly, what happens is the House works its will in terms of that which it sees to be priorities. The Senate does the same. It is very difficult in conference to say, one to the other, although we do from time to time, that "your priorities are wrong."

The gentleman is correct. We adopted, in this instance, the priorities of both bodies. However, Mr. Speaker, he then says that it did not add a whole lot of expense to the bill in terms of what we will spend this year. He correctly observed in discussion on the rule that we would have that authority delayed obligations.

However, let me point out, Mr. Speaker, we have funded in this bill $200 million in outlays that came from prior authorization. Very frankly, that is the way it works. You authorize it, and you then plan it, you go acquire the land, and then you fund it. We have a number of projects in this bill which have been partially funded in years past as a result of authorizations passed before that. That is not an unnormal process.

I would again point out, Mr. Speaker, that in terms of outlays, that is to say, the money we will spend this year versus the money we will bring in this year, in this bill it is a small sum, but significant, that we are half a million dollars under what the House passed in the conference report. That I would suggest is unusual. It is usually when you compromise between the two Houses that you go up to a higher number.

I mentioned, of course, Mr. Speaker, in my statement all of the factors by which we are below, in terms of authorization in outlays, our 602(b) numbers.

With respect to the fees, Mr. Speaker, let me respond again. The gentleman from Oklahoma [Mr. ISTOOK] makes the point that the taxpayers paid us. Of course, that is the case. However, we have general taxpayers, and then we have people who ask the Government to provide specific services to them.

What the Reagan administration and Bush administration, and indeed, administrations before them, said was, "If you ask for a special service, a fee can be attached to that special service, because you get the special benefit beyond what the general benefit of government is to all taxpayers. For that, we will impose a fee."

We did not adopt those in the House. That is true. The Senate adopted some $257 million in fees, and we rejected approximately half of those, a little less than half.

However, in the process we added language which I think is very important. Let me read it to the Members, from page 35 of the conference report: "The fees must be assessed and collected solely to cover the costs of providing the service and activities for which the fees are being charged." In other words, the subcommittee was very concerned, and I was very concerned, that these fees in effect would be imposed and would be in fact taxes; that is, general revenues to be applied to expenditures.

In fact, however, Mr. Speaker, we limited this to simply the costs of the service requested by the consumer. We went even further, Mr. Speaker, because we asked the General Accounting Office, the oversight agency of the Congress, to ensure the fact that the fees assessed, which they are currently authorized under present law to do, will be only at a level sufficient to cover their costs. I appreciate the gentleman's concerns, but I believe we have answered his questions. I would hope that Members would reject his motion to recommit at the appropriate time.

It now gives me great pleasure to yield 2 minutes to the very distinguished gentleman from Georgia [Mr. DARDEN], who represents Georgia so well, and serves so ably on our subcommittee.

Mr. DARDEN. Mr. Speaker, I rise in strong support of conference report on H.R. 4539, the Treasury, Postal Service, and general Government Appropriations bill. I want to commend Chairman HOYER, Mr. LIGHTFOOT, and other members of the subcommittee for their skill and diligence in Fashioning this bill.

As Chairman HOYER and the ranking member have pointed out, this is a fiscally responsible bill that includes a number of important law enforcement programs.

Mr. Speaker, under Department of the Treasury budget, the committee has provided funding for the important activities of the Federal Law Enforcement Training Center [FLETC]. As the Members well know, FLETC conducts more than 200 different training programs for law enforcement personnel from over 70 Federal agencies and many State police groups.

Mr. Speaker, in addition to FLETC, this bill provides funding for the law enforcement activities of several agencies including the Secret Service, the Bureau of Alcohol, Tobacco and Firearms [BATF], and the Financial Crimes Enforcement Network [FinCEN].

Finally, Mr. Speaker, I am particularly pleased that within the U.S. Customs Service budget, the committee has provided $18 million and 186 agents to enforce the provisions of NAFTA. This NAFTA enforcement initiative will establish teams of law enforcement, trade, and inspection personnel to prevent transshipping, country of origin, and foreign subsidy violations.

Mr. Speaker, this funding and personnel level for NAFTA enforcement honors the enforcement commitment made to many Members of this body who were concerned about the possible effect of NAFTA on America industries, particularly textiles. As a member of the textile caucus, I strongly support this enforcement initiative and believe that it will help revitalize American textile-related industries.

Again, I thank the chairman, ranking member and committee staff on their efforts in bringing this report to the floor today and urge our colleagues to support the conference report.

Mr. HOYER. Mr. Speaker, in closing, I would say that we have worked very hard on this bill. We think it is a bill that is fiscally responsible, as I said, a half a million dollars less than what we passed the House with in terms of outlays, under all our 602(b) budget figures that were given to us, both in authority and in outlays.

I would also observe the gentleman from Georgia [Mr. DARDEN] is absolutely correct, we have included money in here to ensure that our promises in the NAFTA legislation, that we would

oversee and ensure country of origin requirements, we have fully funded that ability in the Customs Department.

Mr. Speaker, I urge my colleagues in the House to reject the motion to recommit.

In closing, Mr. Speaker, let me again repeat what the gentleman from Iowa [Mr. LIGHTFOOT] has said. Bill Smith, our staff director, Betsy Phillips, Dan Cantu, Michelle Mrdeza, Christine Smith, Jennifer Mummert, have all done an outstanding job in working on this legislation and deserve much of the credit for the technical quality of the work. They need not have the credit or discredit for the substance, but certainly for the technical quality of this work.

Mr. Speaker, I would be remiss if I did not mention this, in closing, on this bill. My good friend, Mr. LIGHTFOOT, mentioned his name. He referred to him as the President of Maryland. I am not sure that he is the President of Maryland, but he is certainly, in my opinion, one of the most extraordinarily capable staffers with whom I have ever worked. There is a possibility that he will be going on to another job. If that occurs, Mr. Speaker, this would be his last conference.

I want to say publicly to all of my colleagues and to all of the people who are observing the proceedings that John Berry has done an extraordinary job for Maryland, but I suggest, as well, for our committee and for the country.

□ 1330

He is an extraordinarily capable young man and whatever he does, he will do with great talent and have great success.

I want to personally thank him as I know all the members of the committee thank him for his efforts.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. ISTOOK. Mr. Speaker, I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ISTOOK of Oklahoma moves to recommit the conference report on H.R. 4539 to the committee of conference, with instructions to the managers on the part of the House to insist on the House position to amendment numbered 52 providing $218 million less than the Senate for new federal construction and to disagree to the Senate amendment numbered 29 authorizing the collection of $149.7 million in additional fees by the Internal Revenue Service which were not previously approved by the House.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ISTOOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and made the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

This is a 15-minute vote.

Pursuant to clause 5(b)(3) of rule XV, the Chair may reduce to 5 minutes the minimum time for any electronic vote that may be ordered on the question of the adoption of the conference report.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 234, nays 192, not voting 8, as follows.

[Roll No. 436]

YEAS—234

Allard
Andrews (ME)
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kyl
Lambert
Laughlin
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Long
Lucas
Machtley
Mann
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Walker
Walsh
Weldon
Williams
Wolf
Young (FL)
Zeliff
Zimmer

NAYS—192

Abercrombie
Ackerman
Andrews (TX)
Applegate
Bacchus (FL)
Becerra
Beilenson
Berman
Bevill
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hastings
Hefner
Hilliard
Hinchey
Hochbrueckner
Hoyer
Hughes
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Lazio
Lehman
Lewis (GA)
Lipinski
Lowey
Maloney
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickle
Price (NC)
Quillen
Rahall
Reed
Reynolds
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—8

Cooper	Inhofe	Sundquist
Gallo	Rangel	Washington
Hayes	Slattery	

□ 1358

Messrs. DICKS, SWIFT, SABO, JOHNSON of South Dakota, ROWLAND, and VOLKMER changed their vote from "yea" to "nay."

Mr. SARPALIUS, Mr. CAMP, Mrs. LLOYD, Messrs. PALLONE, LEVIN, RICHARDSON, HAMILTON, KLINK, TRAFICANT, GLICKMAN, HOAGLAND, SPRATT, MANN, BARLOW, and TEJEDA, Mrs. SCHROEDER, Ms. MARGOLIES-MEZVINSKY, and Ms. HARMAN changed their vote from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1400

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to H.R. 4539, and that I may include tabular and extraneous matter.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4602, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. DICKS. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, September 22, 1994, to file a conference report on the bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

This request has been cleared with the minority.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Washington?

There was no objection.

NOTIFICATION OF MEMBERS CONCERNING PLANS OF THE COMMITTEE ON RULES WITH RESPECT TO CONSIDERATION OF H.R. 4779, STATE AND LOCAL GOVERNMENT INTERSTATE WASTE CONTROL ACT OF 1994

Mr. MOAKLEY. Mr. Speaker, I rise today to notify members of the Rules Committee's plans with respect to H.R. 4779, the State and local government Interstate Waste Control Act of 1994.

The Rules Committee plans to meet the week of September 26 to take testimony on the bill. It is anticipated that the House will proceed to the consideration of the bill later that week.

A request may be made for a structured rule, which would permit only those floor amendments designated in the rule to be offered.

In order to ensure Member's rights to offer amendments under the rule that may be requested, they should submit 55 copies of their amendment, together with a brief explanation of the amendment, to the committee office at H–312 of the Capitol by 12 noon on Tuesday, September 27.

We appreciate the cooperation of all Members in our effort to be fair and orderly in granting a rule.

COAST GUARD AUTHORIZATION ACT OF 1994

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 535 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 535

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. All points of order against amendments printed in the report of the Committee on Rules accompanying this resolution are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

This resolution waives all points of order against the bill's consideration and the committee substitute now printed in the bill as original text.

Under this rule any Member who has a germane amendment may offer that amendment at the appropriate time.

Mr. Speaker, this resolution also makes in order two amendments. Ms. SCHENK of California will offer an amendment which is identical to language in H.R. 1250 which was adopted under suspension of the rules in the House earlier this Congress.

The second amendment made in order by this resolution will be offered by Ms. LONG of Indiana. This amendment concerns the regulation of animal fats and oils.

Ms. LONG's amendment directs the appropriate agencies to develop a method to clearly differentiate between nontoxic animal fats and oils and toxic petroleum and nontoxic petroleum oils.

These two amendments were granted a waiver of clause 7 of rule XVI because they are not germane to the bill.

However, they are noncontroversial and supported by the members of the Merchant Marine and Fisheries Committee.

Mr. Speaker, H.R. 4422 will authorize $3.7 billion for the Coast Guard during the next 2 fiscal years.

Mr. Speaker, this bill authorizes funding at a level only slightly higher than that of last year's authorization.

The small increase in the bill is allocated primarily for a cost-of-living adjustment for Coast Guard personnel. In my view, Mr. Speaker, this is money well spent because I believe that the U.S. Coast Guard is one of the most effective branches of our military.

The men and women of the Coast Guard work day in and day out to insure that our waterways are safe, that our oceans are protected from pollution, and that our coastline is guarded against illegal drug traffic.

Mr. Speaker, in the past few weeks we have all seen the massive flood of refugees take to the seas on make shift rafts from Cuba and Haiti in a quest to reach the shores of America.

Mr. Speaker, these refugees have been saved in large part thanks to the efforts of the U.S. Coast Guard. This rescue effort was no easy task and has shown how valuable the Coast Guard is to our country's security.

Mr. Speaker, the roughly 37,000 members of the Coast Guard provide many other important services for our county.

These men and women have a role in enforcing a wide variety of laws which range from the Abandoned Barge Act of 1992 to the Oil Pollution Act of 1990. These laws help insure that our oceans and waterways are safe and clean.

Mr. Speaker, in closing I would like to commend Chairman STUDDS and the ranking member of the committee, Mr. FIELDS, for their hard work on this bill.

Once again the members of the Merchant Marine and Fisheries Committee have put together bipartisan legislation which should pass the House with little opposition. I urge adoption of the rule and adoption of the bill.

□ 1410

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the distinguished chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. Speaker, as usual, the Committee on Merchant Marine and Fisheries has done an outstanding job in bringing forth this bipartisan, fiscally responsible, non-controversial Coast Guard authorization bill. I commend Chairman GERRY STUDDS and ranking republican JACK FIELDS for requesting this open rule. The rule does provide germaneness waivers for two amendments to be offered to the bill, but I am not aware of any opposition to these waivers, and I urge adoption of the rule.

Mr. Speaker, the Coast Guard is a vital component of our Armed Forces. On Monday three Coast Guard cutters led the U.S. Naval Fleet into Port-au-Prince harbor. This is but one of the functions expected of our Coast Guard. We need to do all that we can to ensure the future military readiness of the Coast Guard, and this bill recognizes and addresses that need by authorizing $439.2 million to expand, build and improve Coast Guard vessels, aircraft, facilities, and related equipment.

In addition to its responsibility for the promotion and protection of safety of life and property at sea, the Coast Guard is a key player in U.S. drug interdiction efforts. The committee has wisely authorized $21 million over the President's request for drug interdiction and I hope we continue to see an increase in funding for all efforts to eliminate the availability and use of illegal drugs. The war against drugs, in my opinion, is becoming the toughest battle this country has ever faced, and we must do everything possible to achieve victory.

Again, I urge my colleagues to support this rule so we can proceed with the consideration of this important legislation.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	94	27	29	67	71

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Sept. 20, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993).
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard authorization	N/A	N/A	
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I am glad the gentleman from New York [Mr. SOLOMON] has no requests for time, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 535 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes.

□ 1414

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes, with Mr. DARDEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman. I rise today in strong support of H.R. 4422, the Coast Guard Authorization Act of 1994. The bill authorizes $3.7 billion for the Coast Guard in the coming fiscal year, a figure consistent with the President's request, with the addition of $13 million for alteration of bridges and $21 million for drug interdiction. The authorization levels provide needed resources for the Coast Guard and have generally been reflected in the Department of Transportation appropriations bill, which passed the House on June 16.

I wish to highlight three of the more significant new authorities the bill provides the Coast Guard. First, the authority to charge foreign passenger vessels for the full cost of inspections. Second, the authority to pay for childcare services for Coast Guard families in areas where other facilities are not available. And, third an increase in penalties for documentation violations. These provisions were requested by the Coast Guard and will enable the agency to do its job better.

Today, in the Caribbean, the Coast Guard is fully engaged in the largest humanitarian rescue mission in its 204-year history. In 1994, the Coast Guard has rescued over 38,000 Cuban refugees and over 25,000 Haitians. In this Herculean effort, the Coast Guard has used more than 40 cutters, flown over 500 aircraft sorties, and employed more than 6,000 personnel. Aside from foreign policy questions, no one can fault the dedication of the Coast Guard men and women to this heroic lifesaving effort.

At the same time, the Coast Guard elsewhere has saved 4,455 lives, responded to over 29,000 search and rescue incidents, serviced more than 50,000 aids-to-navigation, issued at least 350 fishing violation citations, and seized over 76,000 pounds of marijuana and more than 56,000 pounds of cocaine. Time after time, the Coast Guard demonstrates its ability to carry out multiple missions in response to this country's ever changing challenges.

Mr. Chairman, this bill recognizes that the Coast Guard provides an invaluable benefit to the American people by authorizing one of the wisest investments of the people's money that we are privileged to make. This is a fiscally responsible bill that authorizes needed funding levels to sustain vital Coast Guard services which are provided to the American people and countless others around the world.

I urge my colleagues' support.

Mr. Chairman, I reserve the balance of my time.

Mr. FIELDS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 4422, the Coast Guard Authorization Act of 1994.

H.R. 4422 authorizes funds for the Coast Guard for fiscal year 1995 at the level requested by the President, plus $13 million to fund the bridge administration program, and an additional $21 million for drug interdiction activities. This bill also contains several important provisions to improve vessel and navigation safety and Coast Guard personnel management. As I will explain, I have several concerns involving the

strain placed on Coast Guard drug interdiction resources during the last part of this fiscal year. Fortunately, H.R. 4422 contains my amendments that will prevent these problems from occurring again during the next fiscal year.

I am most concerned about the effect of the President's policy on Haiti on Coast Guard drug interdiction operations. Until the Cuban refugee situation worsened, the Coast Guard had diverted substantial law enforcement resources in the Caribbean to Haitian refugee interdiction. Earlier this month, the Coast Guard was unable to respond to 11 potential drug incidents in this area. Obviously the Coast Guard's law enforcement resources have been strained, and drug smugglers are taking advantage of the situation. Fortunately, we will not see a repeat of this situation during the next fiscal year, because H.R. 4422 contains my amendment to prohibit diversion of drug interdiction resources to any other mission in fiscal year 1995.

Another matter of concern to me is the overall level of funding for Coast Guard drug interdiction activities. I am especially concerned about the cuts to drug interdiction for the Coast Guard and other agencies, especially the Department of Defense, that provide information and support to the Coast Guard drug interdiction program.

The President's national drug control policy increases funds for treatment and prevention activities, while cutting funds for drug interdiction and other law enforcement efforts. I urge the President to change his drug control policy and restore the funds cut from drug interdiction. We must not allow even one known drug shipment to enter this country.

H.R. 4422 contains my amendment to authorize an additional $21 million for drug interdiction for fiscal year 1995. These additional funds would build Coast Guard drug interdiction activities back up to an acceptable level next year.

Mr. Chairman, H.R. 4422 addresses the critical problems for the Coast Guard for the next fiscal year, and I hope we can send this bill to the President for his signature later this fall. I urge my colleagues to vote in favor of this bill.

□ 1420

Mr. STUDDS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I thank the distinguished chairman and commend him, the ranking member, my colleague from Texas, and all the members of the committee, for the excellent work they have done under very difficult circumstances. I rise also to pay tribute to all of the Members of the Coast Guard, from the commandant down to the field.

Let me say that my concern is that we keep extending or expanding the mission of the Coast Guard without the appropriate resources. I wish more could have been done in this legislation. But I sympathize with the problem, and I commend the chairman and the members of the committee. But I think that in the future, we should insist that the Coast Guard, for the excellent job they do, they do not have the adequate resources, and that should be addressed down the line.

Again, I commend the chairman and the members of the committee, and all of the members of the Coast Guard, for the excellent work that they do.

Mr. FIELDS of Texas. Mr. Chairman, I yield such time as he may consume to my friend, the gentleman from North Carolina [Mr. COBLE] the distinguished ranking minority member of the Subcommittee on Coast Guard and Navigation.

Mr. COBLE. Mr. Chairman, I thank the gentleman from Texas for yielding.

Mr. Chairman, I am pleased to rise in support of H.R. 4422, the Coast Guard Authorization Act for fiscal year 1995.

While I support the bill as a whole, as the ranking Republican member of the Merchant Marine and Fisheries Subcommittee on Coast Guard and Navigation, I must express my concerns about the Coast Guard's tight operating budget especially at a time when the Coast Guard has been forced to spend untold millions of unappropriated dollars in its Cuban rescue and Haitian military efforts.

The very small increase in the Coast Guard's fiscal year 1995 operating budget is not enough to maintain current Coast Guard services. Under the President's budget, the Coast Guard will have to eliminate $100 million in Coast Guard services, including over 1,000 Coast Guard personnel and 14 search and rescue stations. The Coast Guard cannot continue to absorb these large operational funding cuts without seriously jeopardizing the vital life saving and law enforcement services which the Coast Guard provides our country.

Over the past several months the immensely dedicated men and women of the Coast Guard have undoubtedly saved the lives of thousands of Haitian and Cubans who have taken to the sea in desperate attempts to flee their countries. I am extremely proud of the tireless efforts of these public servants. However, this huge operation has not been free. The administration has yet to ask for one dime to compensate the Coast Guard for what it has spent in the Caribbean. Unfortunately, the Coast Guard has had to vastly curtail its important law enforcement missions. Without the Coast Guard patrolling our shores, drug smugglers should have little trouble in transporting illegal narcotics into our country.

Our committee did address the troubling drug interdiction issue by adopting an amendment to H.R. 4422 offered by Mr. FIELDS which adds $21 million to the Coast Guard's operating expense account for drug interdiction activities. This amount would restore the Coast Guard's drug interdiction funding cuts which were made in 1994 and proposed in the administration's fiscal year 1995 budget.

The committee also adopted my amendment to H.R. 4422 which requires the Secretary of Transportation to develop a plan to more fully utilize the Coast Guard Selected Reserve. The Coast Guard Selected Reserve has been cut from a strength of 13,300 in 1987 to a strength of 8,000 today. The administration's fiscal year 1995 budget called for a Coast Guard Reserve force of 7,000. I strongly believe that the reserve will be useless in its important peacetime and military roles if these reductions do not stop.

I would finally like to express my support for the committee amendment to H.R. 4422. I am particularly pleased that the amendment includes the Towing Vessel Navigational Safety Act, the Recreational Boating Safety Improvement Act, and the Coast Guard Regulatory Reform Act. The first two bills provide for important new safety standards for inland towing and recreational vessels while the third will help improve the international competitiveness of the U.S.-flag liner fleet.

I strongly believe that the Coast Guard provides our Nation with one of the best values in the Federal budget, but Congress cannot expect the Coast Guard to keep doing more and more while continuing to cut its funding.

Mr. Chairman, I urge my colleagues to vote in favor of H.R. 4422.

Mr. FIELDS of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Chairman, I rise to simply say to my friend, the gentleman from Greensboro, NC, that I am in strong support of his statement, and congratulate him on his great effort and his fine work on the committee.

Mr. STUDDS. Mr. Chairman, I would like to congratulate the gentleman from California for congratulating the gentleman from North Carolina, and I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in strong support of H.R. 4422, the Coast Guard Authorization Act of 1994. First of all I want to thank and commend the sponsor of the bill, Mr. TAUZIN and the chairman for the committee for their hard work on this very much needed legislation.

I support H.R. 4422 because it authorizes funds needed for the Coast Guard to successfully carry out its mission. We must recognize and appreciate the performance of the Coast Guard during the Haitian and Cuban interdiction and

address issues such as adequate funding for its operating expenses. This bill addresses this by authorizing $2.7 billion for search and rescue, marine safety, aids to navigation, defense readiness, enforcement of laws and treaties, and drug interdiction.

H.R. 4422 will create more jobs in our American shipyards by prohibiting the Coast Guard from having any repair or maintenance work done on its vessel in foreign shipyards.

The Coast Guard Authorization Act of 1994 goes beyond authorizing funds for operating expenses, acquisition and construction, and environmental compliance. H.R. 4422 includes provisions that will increase the penalty for violations of U.S. vessel documentation requirements.

The Coast Guard Authorization Act of 1994 includes a provision which grants the Coast Guard special authority to recruit women and minorities for entrance to the Coast Guard Academy. This goal will be met by conducting studies and analyses on Coast Guard personnel resource and training needs; and employing special programs for recruiting women and minorities.

I want to thank Mr. TAUZIN and his staff for working with my staff and I when we included a study of implications for vessel safety in navigable waters near Houston. This study is important to Houston because it will study ways to improve the overall safety of the Port of Houston and the Houston Ship Channel and the ramifications for vessel safety in these areas due to the increase shipping traffic resulting from NAFTA and GATT—if passed.

I congratulate Mr. TAUZIN and the chairman of our full committee, Mr. STUDDS, for their efforts in putting together a very meaningful and much needed bill that I believe will allow the Coast Guard to productively carry out its programs and operations in the upcoming fiscal year.

□ 1430

Mr. FIELDS of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, in my remarks today on H.R. 4422, I would like to focus on one provision dealing with recruiting activities at the Coast Guard Academy that has not garnered much attention in the context of the overall bill. Section 401 of H.R. 4422 would authorize the Coast Guard Academy to undertake special recruiting programs to increase the number of women and minorities in the Academy and in leadership positions in the service.

While such an effort may seem benign enough, the specific program at the Coast Guard Academy is based on several troublesome findings, also included in the legislation, and seems to be part of a broader redirection of affirmative action policy throughout the administration. The recruiting programs authorized by H.R. 4422 are directed at a goal of increasing the number of women and minorities in leadership positions in the U.S. Coast Guard to reflect the proportion of women and minorities in the total population. I must admit that I am very troubled by an affirmative action goal that seeks strict proportional representation in the senior ranks of the Coast Guard without any regard to the relevant pools of qualified applicants for those positions. Comparisons based on raw population statistics run contrary to well-settled discrimination law. H.R. 4422 also hints that cultural bias in standardized testing has impeded the leadership opportunities of women and minorities in the Coast Guard despite that fact that there is mixed scientific evidence with regard to such a bias.

The Coast Guard diversity program follows on the heels of a widely reported reversal by the Department of Justice in an affirmative action lawsuit which also dealt with the issue of diversity. The Justice Department originally argued that diversity as an educational goal was not a sufficient justification for a racial preference which had resulted in a white teacher being discharged, simply because she is white, over a black teacher in a layoff situation. The case involved the school system of Piscataway, NJ, where all sides agreed that there was no history either of discrimination or of an underrepresentation of minorities in the teaching work force. The school system believed it should fire the white teacher in order to maintain what it had determined was the proper level of diversity between whites and blacks. The Justice Department is now asserting that its earlier stance was too narrow and would discourage employers from undertaking voluntary efforts to achieve workplace diversity.

In this case, I believe that the Justice Department is flat out wrong. Where there has been no history of discrimination and, in fact, the percentage of minorities in the Piscataway school system is greater than in the qualified labor pool, it is grossly unfair to rely on racial preferences to decide who will and who won't retain their jobs in a layoff situation. When the nature of the burden on innocent third parties, specifically the loss of one's livelihood, is so great, the courts have held that voluntary affirmative action faces an extremely high hurdle in terms of its justification. To my knowledge, no court has authorized racial preferences in a situation such as that faced by Piscataway Township where the sole justification for the use of racial preferences in layoff decisions was the achievement of a very compartmentalized notion of work force diversity, that is, in one job category.

The issue of work force diversity has also surfaced at the Department of Defense where DOD agency heads were recently instructed that prior approval from the undersecretary for personnel and readiness must be obtained before any nondisabled white male is hired or promoted for upper level positions. While no intention to employ explicit racial preferences was expressed in the Defense Department directive, the message to those who do the hiring and firing was very clear.

I raise these issues collectively simply to wave a yellow flag that the area of affirmative action policy is one in which both the administration and the Congress should proceed carefully. After all, each of the examples I cited involve voluntary affirmative action efforts which impact innocent parties on both sides of the decisions at issue. While there may be a need for affirmative remedies where there is a history of discrimination resulting in a racial or gender imbalance in a work force, these recent actions by the administration are moving quickly into uncharted territory. This area of civil rights law is obviously controversial. Discrimination on the basis of race, sex, religion, national origin, or disability runs contrary to the fundamental principles of this country, and use of preferences based on any of these categories must be carefully thought through and, if used at all, be carefully limited. Where these lines are drawn is subject to considerable debate, no doubt, on both sides of the aisle, but my sense is that this administration has gone too far and is drawing these lines differently than would many Members of Congress. I urge caution.

Mr. STUDDS. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. TAUZIN], the distinguished chairman of the Subcommittee on Coast Guard and Navigation.

Mr. TAUZIN. Mr. Chairman, first let me thank the distinguished chairman of our full committee for yielding time to me and rise as chairman of the Subcommittee on Coast Guard and Navigation in support of the Coast Guard and in support of this bill, the Coast Guard Authorization Act of 1995.

The Committee on Merchant Marine and Fisheries developed our bill, H.R. 4422 in the traditional bipartisan manner that fully authorizes the administration's austere budget request to fund the Coast Guard for the fiscal year 1995.

I would like to personally thank again the gentleman from Massachusetts [Mr. STUDDS] and the gentleman from Texas [Mr. FIELDS], our ranking full committee member, and the gentleman from North Carolina [Mr. COBLE], our ranking subcommittee member for the extraordinary cooperation we have always had and as we have had on this bill again today.

The fact that we asked for an open rule to the Committee on Rules is an indication of the confidence we have in

this bill and in the support for the Coast Guard on the floor of this House.

H.R. 4422 fully authorizes the President's relatively austere request for $3.7 billion in appropriations for 1995. This is an increase of only $133 million over last year; 70 percent of the request will support the Coast Guard's operating account.

H.R. 4422 also authorizes $439 million for the AC&I account, an incredibly important section of the bill designed to build and maintain the cutters, the boats, the aircraft and the shore stations vital to Coast Guard operations.

Among many other projects, the bill continues the VTS 2000 program, an essential program to provide traffic maintenance control in the harbors and waterways of our country. It authorizes the construction of new buoy tenders to replace the 50-year-old fleet that should have been retired some time ago and also 20 new motor lifeboats critical to lifesaving efforts which is, I know Members all recognize, one of the principal reasons the Coast Guard is present in our districts, to save lives and to protect America's boaters.

Our committee amendment includes several very important bills, including one the Towing Vessel Navigational Safety Act of 1994. The gentleman from Massachusetts [Mr. STUDDS] will talk, I am sure, about it more, but as Members know, this is the anniversary of the awful tragedy in Mobile at Bayou Canot. It is important that on this date this Congress recognizes the vital improvements necessary in towing vessel safety on America's waterways. The Towing Vessel Navigational Safety Act of 1994 is an extraordinary big step forward in improving the safety of America's inland waterways, so that another incident like the one that occurred a year ago today tragically might be avoided.

□ 1440

The Coast Guard Regulatory Reform Act is included. I want to highlight it just a second. It is an initiative of the White House, the administration, part of the effort to reconstruct the way government does business. It is an extraordinary cooperative effort between the industry and the Coast Guard in streamlining and making regulations more effective and more efficient in today's modern world. I commend it to your attention, because it is an extraordinary bill that will not get a lot of attention, but moves a lot of things forward in terms of making our marine industry competitive and making government work more efficiently and effectively with the industry.

Finally, the Boating Improvement Act is an act designed to improve boating safety, particularly for young children. More and more Americans are on the waterways entertaining themselves. More and more Americans want to live near the shoreline. This bill dramatically improves the safety conditions by which young children particularly will enjoy the waterways and shorelines of America.

As we know, the Coast Guard is a "can do" outfit. In recent months it has been literally asked to save thousands of Haitian and Cuban lives, and it has risen to that occasion. Today the Coast Guard is present in the straits rescuing boaters and saving lives today, as it has customarily done throughout its proud history.

The Coast Guard is a vital player in Operation Restore Democracy. On Monday three cutters of our U.S. Coast Guard led the U.S. naval fleet into Port-au-Prince harbor. Today the Coast Guard has over 6,000 personnel conducting in-theater operations.

The Nation owes its Coast Guard and its members a great debt of gratitude for the selfless dedication of these extraordinary men and women to their obligation and their fulfillment of their duty and responsibility to their country, and the extreme professionalism by which they engage in their duty to America.

Mr. Chairman, on behalf of our Coast Guard, its men and women around the world, I ask my colleagues to support the Coast Guard Authorization Act of 1994, and more importantly, to support the Coast Guard in its day-to-day activities, to lend to our Coast Guard the same kind of support that the Coast Guard lends to Americans and to the world when it engages in lifesaving operations such as we see it in today.

Mr. Chairman, I again thank the chairman of the committee for his great help in bringing this bill forward. It is my hope we will see this bill on the President's desk before we adjourn.

Mr. Chairman, I include for the RECORD the following document:

SECTION 305, Florida Avenue Bridge

Section 305 of the bill would deem the drainage siphon, or pipeline, adjacent to the Florida Avenue Bridge in New Orleans, Louisiana, to be an appurtenance of the bridge for purposes of the Truman-Hobbs Act (the Act). In 1992, the Coast Guard declared the Florida Avenue Bridge to be an "unreasonable obstruction to navigation" under the Act. The Coast Guard has determined that the drainage siphon, which is connected to the bridge's southern fender, must be removed in order to restore the necessary navigability for commercial vessels on the Gulf Intracoastal Waterway. Unfortunately, under existing Coast Guard guidelines and absent the provisions of Section 305, the cost of the removal of the siphon could not be paid for with Truman-Hobbs funds. As an appurtenance, the siphon will qualify for alteration under the Act. The express intent of Section 305 is to authorize the Coast Guard to utilize Truman-Hobbs funding to pay for the removal of the entire siphon, including (i) the three chamber structure 378 feet long and 45 feet wide which slopes down from ground elevation (approximately plus (+) 1.0 foot M.S.L.) on each side of the Gulf Intracoastal Waterway to a point where the sill elevation of minus (−) 30.9 feet M.S.L. spans the Waterway bottom for a 105 foot clear shipping channel and (ii) the two concrete towers which extend upward from the siphon bottom on each side of the Waterway to an elevation of (+) 8.5 feet M.S.L., also defining the clear span of 105 feet at the water surface (or top) of the Waterway. The end result will be 150 foot bottom width at minus (−) 36 feet M.S.L. sloping up to a top width of 300 feet.

Mr. FIELDS of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of this legislation, and also to commend the chairmen of the full committee and subcommittee—along with the ranking minority members—for their continued bipartisan leadership.

I also want to thank them for including in this bill my proposal to promote a U.S.-flag cruise ship industry. This legislative effort represents the work of many diverse interests—from shipyards to shippers and from labor to industry. Together we have developed a proposal to allow U.S. maritime interests to engage in and effectively capture a portion of the rapidly expanding and highly lucrative cruise ship market.

But most important, this bill is all about jobs, jobs for our ports, jobs for our shipyards, jobs for our seamen, and jobs in the downtown cores of our port cities. It is time we find different ways to revive our ports and our cities without using taxpayer dollars and I think we have found a great way to do it.

As the bill has worked through the legislative process, a number of refinements have been made. As it now stands, key features include:

Allowing a foreign cruise ship to reflag to the U.S. registry—providing full access to U.S. trades—if a second ship is built in a U.S. yard;

Standardizing the percentage of foreign ownership for U.S. passenger vessels in domestic trades at 49 percent, an increase from the current 25 percent requirement for cruise ships;

Providing title XI loan guarantees to U.S. passenger vessels; and

Giving U.S.-flag preference for permits to enter Glacier Bay and other National Park Service sites.

Mr. Chairman, the need for this legislation stems from the lack of a U.S. cruise industry. Currently, 85 percent of all cruise ship passengers worldwide are American, but the U.S.-flag cruise registry has decreased to a mere two vessels, both built in 1951, both in use in Hawaii. U.S. law—specifically the Passenger Service Act—prohibits foreign-owned ships from transporting passengers between two U.S. ports, so cruises between cities like Seattle and San Francisco, or New York and Miami, in essence are nonexistent.

Therefore, an individual wishing to sail the North Pacific to the wonders of Alaska must embark to Alaska from a foreign port, namely Vancouver, BC. Meanwhile, nearby Seattle loses millions of dollars in potential tourist dollars and tax revenues as passengers are forced to depart from a city just a short drive north.

A study conducted by the Port of Seattle and Maryland Port Administration estimates $300 to $500,000 to local restaurants, shops, hotels, and other businesses is generated from just one port visit by a home-ported cruise vessel. And 5 months of weekly sailings by a single ship will infuse approximately $7 million into the local economy, create 100 jobs, generate $2.5 million in personal income, and provide $300,000 in local tax revenues. Furthermore, each $1 spent on shipbuilding and repair in a city provides an additional $3 to the local economy.

Mr. Chairman, there is a lot at stake here. With the booming foreign cruise ship industry we're seeing thousands of jobs and about $6 billion from our economy literally sailing overseas every year. This bill is about promoting U.S. interests and leveling the international playing field. It's about retaining a portion of the economic benefits here in the United States. It's a "make-it-American" bill. Straight to the point, its about creating U.S. jobs, jobs, and more jobs.

Mr. Chairman, I urge my colleagues to support this proposal and to approve the Coast Guard authorization bill now before us.

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maine [Mr. ANDREWS].

Mr. ANDREWS of Maine. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I support this legislation. I support the U.S. Coast Guard. I would like to extend my thanks, Mr. Chairman, to the committee for incorporating into this bill my proposal, the Shipbuilding Jobs Promotion Act, which is now part of this legislation.

Mr. Chairman, this portion of the bill, the Shipbuilding Jobs Promotion Act, requires the U.S. Coast Guard to repair, to maintain, and to overhaul its vessels and equipment in U.S. shipyards by U.S. shipbuilders, just as the Department of Defense is now required to do.

The reason I introduced this legislation, Mr. Chairman, was because I found out that earlier this year the Coast Guard had awarded repair work to a foreign yard. It claimed that it did not have to do this work in an American yard because it was exempt from the provisions that required the Department of Defense to repair its vessels in an American yard.

Mr. Chairman, this law makes it very clear that the U.S. Coast Guard must repair, maintain, and overhaul its vessels in American shipyards. The reason for this, Mr. Chairman, is this: We have lost 120,000 good paying shipbuilding and shipbuilding-related jobs over the last 10 years. We are being told that if this Government does nothing, we stand to lose an additional 180,000 good paying jobs in this vital sector.

Mr. Chairman, the Committee on Merchant Marine and Fisheries has done extremely good work in turning this around and providing the shipbuilders of this country a government that is on their side, by taking away the unfair, unlevel playing field that they have been forced to compete on with foreign yards who are subsidized to the tune of billions and billions of dollars by their foreign governments.

Mr. Chairman, all we are saying in this bill is that when it comes time for repair work and maintenance work and overhaul work, that we give our shipworkers, our shipbuilders, and our shipyards that opportunity. That is important, not only for the economy of those regions of the country like the State of Maine who do this kind of work but, Mr. Chairman, it is also important for the national security of this Nation and the safety of our people.

If we allow our Nation to become dependent upon foreign yards to do this basic work, then we are undermining the capacity of this country to provide for its own security, its own defense, and the safety of its citizens. We cannot allow this vital industrial capacity to be exported overseas. We must maintain it in this country as we provide these important jobs.

Mr. Chairman, our shipbuilders do not ask for an awful lot. However, I believe that they should be able to expect a government that is on their side and is willing to give them the opportunity to be all that they can be, and to take advantage of the skills that they provide this Nation. I support this legislation, I thank the chairman for his support of my bill, and I urge its adoption.

Mr. FIELDS of Texas. Mr. Chairman, I yield such time as he might consume to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I rise today as a member of the Committee on Merchant Marine and Fisheries, first of all to applaud the distinguished chairman of our committee and the ranking member of the full committee, the gentleman from Massachusetts [Mr. STUDDS] and the gentleman from Texas [Mr. FIELDS], and the chairman of the Subcommittee on Coast Guard and Navigation, the gentleman from Louisiana [Mr. TAUZIN] and the ranking member, the gentleman from North Carolina [Mr. COBLE], for the fine work they have done in bringing this important piece of legislation to the floor for our consideration today.

Mr. Chairman, we sometimes take for granted some of the Federal agencies that we fund. Perhaps no agency is more taken for granted than the U.S. Coast Guard. Because of the funding mechanism and the way we provide the funds and dollars for the Coast Guard, they never seem to get enough money to do the myriad of tasks we keep imposing on them.

If you look at any of the agencies we have in the Federal Government, that one agency that continually seems to get new assignments is in fact our Coast Guard. Whether it is putting on new environmental regulations or whether it is trying to force them to do new coastal compliance requirements that we impose on them, the Coast Guard is always able to meet the needs. The pollution act we passed in the last session has put additional requirements on the Coast Guard.

Perhaps nothing has taxed the Coast Guard more than the current mission they are performing in and around Haiti. They have just done a fantastic job on behalf of the people of this country and those people who have been impacted by the unrest in that country.

I want to pay particular acknowledgment to our ranking member, the gentleman from Texas [Mr. FIELDS] for holding a briefing for us with the Commandant of the Coast Guard just 1 short month ago, where he talked with us and briefed us on all the operations the Coast Guard is involved in in terms of returning these people who are going out to sea and yet who are risking their lives, and who in fact need to be returned to their homeland, whether it be Cuba or Haiti.

Despite the tremendous pressure on the Coast Guard to perform that function, they still have been able to address the need as it relates to drug interdiction and drug enforcement. It has been very taxing on the Coast Guard, and one of the concerns we are always hoping to address is to provide additional resources for the major issue of the Coast Guard right now involving drug interdiction, and trying to make sure they have adequate equipment and manpower to do the job that they are being asked to do.

□ 1450

This past summer I had occasion to visit the Coast Guard station at Cape May and had a chance to talk to the leadership there, specifically about their role in the coast of Florida involving Cuba and Haiti, to talk about the kinds of requirements that are being placed on them, not just from the standpoint of drug interdiction but also from their other responsibilities, be they environment or public safety. Again the Coast Guard has measured up to the job and I was totally impressed with what I heard from the officials at the Cape May facility.

Mr. Chairman, it is important that we in this Congress understand that while the Coast Guard is in fact providing a very valuable service for us in a

number of different capacities, we have to provide the dollar support. This legislation lays that foundation. I think perhaps it does not go far enough. Perhaps there are more dollars we should be committing to the Coast Guard. But I hope that all of our colleagues today would renew their commitment with a vote in support of this legislation to fully fund the Coast Guard's operations. Once again I thank the leadership of the Committee on Merchant Marine and Fisheries for the exemplary way they have put a bipartisan team together to provide support for this vital service.

Mr. FIELDS of Texas. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill shall be considered by titles as an original bill for the purpose of amendment, and each title is considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 4422

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 "Coast Guard Authorization Act of 1994".

Mr. STUDDS. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute made in order as original text by the rule be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1995, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,630,505,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $439,200,000, to remain available until expended, of which $32,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $20,310,000, to remain available until expended, of which—

(A) $3,150,000 shall be derived from the Oil Spill Liability Trust Fund; and

(B) $1,500,000 is authorized to conduct, in cooperation with appropriate Federal and State agencies, local maritime education organizations, and local marine industry representatives, a demonstration project on the lower Mississippi River and in the Houston Ship Channel to study the effectiveness of currently available Electronic Chart Display and Information Systems (ECDIS) and Electronic Chart Systems (ECS) for use on commercial vessels.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $562,585,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $13,000,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities, $25,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 39,000 as of September 30, 1995. The authorized strength does not include members of the Ready Reserve called to active duty for special or emergency augmentation of regular Coast Guard forces for periods of 180 days or less.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 1995, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,000 student years.

(2) For flight training, 133 student years.

(3) For professional training in military and civilian institutions, 344 student years.

(4) For officer acquisition, 955 student years.

SEC. 103. DRUG INTERDICTION ACTIVITIES.

In addition to amounts otherwise authorized by this Act, there are authorized to be appropriated to the Secretary of Transportation for operation and maintenance expenses of Coast Guard drug interdiction activities $21,000,000 for fiscal year 1995.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. HURRICANE ANDREW RELIEF.

Section 2856 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) applies to the military personnel of the Coast Guard who were assigned to, or employed at or in connection with, any Federal facility or installation in the vicinity of Homestead Air Force Base, Florida, including the areas of Broward, Collier, Dade, and Monroe Counties, on or before August 24, 1992, except that—

(1) funds available to the Coast Guard, not to exceed a total of $25,000, shall be used; and

(2) the Secretary of Transportation shall administer that section with respect to such personnel.

SEC. 202. DISSEMINATION OF RESULTS OF 0–6 CONTINUATION BOARDS.

Section 289(f) of title 14, United States Code, is amended by striking "Upon approval by the President, the names of the officers selected for continuation on active duty by the board shall be promptly disseminated to the service at large.".

SEC. 203. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

Section 712 of title 14, United States Code, is amended by adding at the end the following:

"(d) Reserve members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or under any other law.".

SEC. 204. MARINE CASUALTY INVESTIGATIONS.

(a) INFORMAL MARINE CASUALTY INVESTIGATIONS.—Title 46, United States Code, is amended by inserting after section 6301 the following new section:

"§6301a. Informal marine casualty investigations

"(a) The Secretary may conduct informal investigations of marine casualties.

"(b) Notwithstanding section 6302 of this title, the Secretary is not required to hold an informal investigation open to the public.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 46, United States Code, is amended by inserting after the item related to section 6301 the following:

"6301a. Informal marine casualty investigations.".

SEC. 205. PROVISION OF CHILD DEVELOPMENT SERVICES.

(a) IN GENERAL.—Title 14, United States Code, is amended by inserting after section 514 the following new section:

"§515. Child development services

"(a) The Commandant may make child development services available for members and civilian employees of the Coast Guard, and thereafter as space is available for members of the Armed Forces and Federal civilian employees. Child development services benefits provided under this section shall be in addition to benefits provided under other laws.

"(b)(1) Except as provided in paragraph (2), the Commandant may require that amounts received as fees for the provision of child development services under this section at Coast Guard child development centers be used only for compensation of Coast Guard child development center employees who are directly involved in providing child care.

"(2) If the Commandant determines that compliance with the limitation in paragraph (1) would result in an uneconomical and inefficient use of amounts received as such fees, the Commandant may (to the extent that such compliance would be uneconomical and inefficient) use such amounts—

"(A) for the purchase of consumable or disposable items for Coast Guard child development centers; and

"(B) if the requirements of such centers for consumable or disposable items for a given fiscal year have been met, for other expenses of those centers.

"(c) The Commandant may use Department of Defense or other training programs to insure that all child development services providers under this section meet minimum standards.

"(d) The Commandant may provide assistance to members and civilian employees of the Coast Guard for obtaining services of qualified family home child development services providers. The cost per child to the Coast Guard of obtaining those services may not exceed the average of the cost per child incurred by the Coast Guard for child development services provided at all Coast Guard child development centers.

"(e)(1) Of the amounts available to the Coast Guard each fiscal year for operating expenses (and in addition to amounts received as fees), the Secretary shall use for child development services under this section an amount equal to the total amount the Commandant estimates will

be received by the Coast Guard in the fiscal year as fees for the provision of those services.

"(2) The amount of funds used under paragraph (1) each fiscal year shall not exceed $1,000,000.

"(f) For purposes of this section, the term 'Coast Guard child development center' does not include a child care services facility for which space is allotted under section 616 of the Act of December 22, 1987 (40 U.S.C. 490b).

"(g) The Secretary shall promulgate regulations to implement this section. The regulations shall establish fees to be charged for child development services provided under this section which are based on total family income.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended by inserting after the item related to section 514 the following:

"515. Child development services.".

TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 301. FOREIGN PASSENGER VESSEL USER FEES.

Section 3303 of title 46, United States Code, is amended—

(1) in subsection (a) by striking "(a) Except as" and inserting "Except as"; and

(2) by striking subsection (b).

SEC. 302. DOCUMENTATION VIOLATIONS.

(a) CIVIL PENALTIES.—Section 12122(a) of title 46, United States Code, is amended by striking "$500" and inserting "$25,000".

(b) SEIZURE AND FORFEITURE.—

(1) IN GENERAL.—Section 12122(b) of title 46, United States Code, is amended to read as follows:

"(b) A vessel and its equipment are liable to seizure by and forfeiture to the United States Government, if—

"(1) the owner of the vessel or a representative or agent of the owner knowingly falsifies or conceals a material fact, or makes a false statement or representation about the documentation or in applying for documentation of the vessel;

"(2) a certificate of documentation is knowingly and fraudulently used for the vessel;

"(3) the vessel is operated after its endorsement has been denied or revoked under section 12123 of this title;

"(4) the vessel is employed in a trade without an appropriate trade endorsement; or

"(5) in the case of a documented vessel with only a recreational endorsement, the vessel is operated other than for pleasure.".

(2) CONFORMING AMENDMENT.—Section 12122(c) of title 46, United States Code, is repealed.

(c) LIMITATION ON OPERATION OF VESSEL WITH ONLY RECREATIONAL ENDORSEMENT.—Section 12110(c) of title 46, United States Code, is repealed.

(d) TERMINATION OF RESTRICTION ON COMMAND OF RECREATIONAL VESSELS.—

(1) TERMINATION OF RESTRICTION.—Subsection (d) of section 12110 of title 46, United States Code, is amended—

(A) by inserting ", other than a vessel with only a recreational endorsement operating within the territorial waters of the United States," after "A documented vessel"; and

(B) by redesignating that subsection as subsection (c).

(2) CONFORMING AMENDMENT.—Section 12111(a)(2) of title 46, United States Code, is amended by inserting before the period the following: "in violation of section 12110(c) of this title".

SEC. 303. CLERICAL AMENDMENT.

Chapter 121 of title 46, United States Code, is amended—

(1) by striking the first section 12123; and

(2) in the table of sections at the beginning of the chapter by striking the first item relating to section 12123.

SEC. 304. BATON ROUGE RESCUE AND PATROL VESSEL.

Beginning not later than 60 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall operate a rescue and patrol vessel on the Mississippi River in the vicinity of Baton Rouge, Louisiana, to support Coast Guard rescue, law enforcement, marine safety, marine environmental protection, and port security missions.

SEC. 305. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.; popularly known as the Truman-Hobbs Act), the Secretary shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 306. RENEWAL OF HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE AND LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

The Coast Guard Authorization Act of 1991 (Public Law 102-241, 105 Stat. 2208-2235) is amended—

(1) in section 18 by adding at the end the following:

"(h) The Committee shall terminate on October 1, 1999."; and

(2) in section 19 by adding at the end the following:

"(g) The Committee shall terminate on October 1, 1999.".

SEC. 307. LIMITATION ON CONSOLIDATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not consolidate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas.

SEC. 308. RESPONSE EXERCISE PROGRAM AT MASSACHUSETTS MARITIME ACADEMY.

(a) TRANSFER.—Within 30 days after the date of enactment of this Act, the Coast Guard shall transfer to the Massachusetts Maritime Academy $500,000 to continue the oil spill simulator activities at the Academy.

(b) DESIGNATION OF CENTER AS REGIONAL FACILITY.—The Coast Guard shall designate the Center for Marine Environmental Protection and Safety at the Massachusetts Maritime Academy as a regional facility for the conduct and evaluation of annual response area management team exercises for two response areas in the East Coast in accordance with the Preparedness for Response Exercise Program established by the Coast Guard.

SEC. 309. PROHIBITION ON DECOMMISSIONING ICEBREAKER MACKINAW.

(a) PROHIBITION.—The Secretary of Transportation may not decommission the Coast Guard cutter MACKINAW until the later of—

(1) 1 year after transmitting to the Congress the report required under subsection (d); or

(2) October 1, 1995.

(b) REQUIREMENT TO MAINTAIN BILLETS.—The Secretary shall during fiscal year 1995 maintain on the Coast Guard cutter MACKINAW the same number of billets as were maintained on that vessel during fiscal year 1994.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation $4,500,000 for fiscal year 1995, to remain available until expended, for operations and maintenance of the Coast Guard cutter MACKINAW.

(d) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a study and submit a report to the Congress containing findings and recommendations on the icebreaking needs of the Great Lakes and the appropriate size and type of vessel or vessels to meet those needs. In conducting the study, the Secretary shall—

(1) consult with—

(A) Great Lakes carriers, shippers, and port authorities, including the Lake Carriers Association;

(B) the Great Lakes Commission;

(C) the Governors of States bordering the Great Lakes;

(D) local governments in States bordering the Great Lakes; and

(E) interested private persons;

(2) determine the average and maximum ice conditions in the Great Lakes over the past 10 years;

(3) determine the size and type of vessel or vessels necessary to clear shipping channels in the average and maximum ice conditions determined under paragraph (2);

(4) evaluate whether any Coast Guard vessel stationed on the Great Lakes, other than the MACKINAW, can safely conduct search and rescue missions in 25-foot seas;

(5) evaluate the feasibility of operating the Coast Guard icebreaker MACKINAW on a seasonal basis;

(6) evaluate the feasibility of building an ice-strengthened Juniper Class buoy tender to replace the icebreaking services performed by the MACKINAW; and

(7) evaluate the feasibility of entering into a long-term contract for icebreaking services to replace the icebreaking services performed by the MACKINAW.

(e) AUTHORIZATION FOR RECOMMENDATIONS.—If, after transmitting the report required in subsection (d), the Secretary determines that—

(1) in addition to previously authorized Juniper Class buoy tenders, building an ice-strengthened Juniper Class buoy tender is the most feasible means of providing icebreaking service on the Great Lakes, the Secretary may, subject to the availability of appropriations, enter into a contract for the construction of an ice-strengthened Juniper Class buoy tender; or

(2) entering into a long-term contract for icebreaking services is the most feasible means of providing icebreaking services on the Great Lakes, the Secretary may, subject to the availability of appropriations, enter into such a long-term contract.

SEC. 310. REQUIREMENT TO OPERATE USCGC TACKLE IN CRISFIELD, MARYLAND.

The Secretary of Transportation shall continue to operate the USCGC TACKLE (WYTL 65604) in the vicinity of Crisfield, Maryland, until October 1, 1995.

SEC. 311. BUY AMERICAN REQUIREMENT FOR SURFACE SEARCH RADAR SYSTEMS.

Notwithstanding any other law, at least 51 percent of the components of surface search radar systems for Coast Guard vessels shall be manufactured in the United States, provided the United States manufacturer offers the Coast Guard a competitive price.

SEC. 312. CONVEYANCE OF PROPERTY.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is a parcel of land

consisting of approximately 27.10 acres identified by the Traverse City School District in the northwest corner of the Coast Guard Air Station at Traverse City, Michigan.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City School District.

TITLE IV—MISCELLANEOUS

SEC. 401. SPECIAL RECRUITING AUTHORITY TO ACHIEVE DIVERSITY.

(a) FINDINGS.—The Congress makes the following findings:

(1) Women and minorities have historically been underrepresented in the Coast Guard officer corps and at the United States Coast Guard Academy.

(2) The number of women and minorities occupying leadership positions in the United States Coast Guard should reflect the proportion of women and minorities in the total population.

(3) Notwithstanding application of traditional recruiting programs, the Coast Guard has not been able to rectify the historic underrepresentation of women and minorities in the service and at the Academy.

(4) Cultural bias in standardized testing or grading procedures may adversely affect the ability of minorities to compete successfully for admission to the United States Coast Guard Academy.

(5) The education and professional training provided at the United States Coast Guard Academy will be enhanced by the benefits that flow from a diverse student body.

(b) NEW AUTHORITY.—Section 93 of title 14, United States Code, is amended—

(1) in paragraph (t)(2) by striking "and" after the semicolon;

(2) in paragraph (u) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(v) for the purposes of rectifying underrepresentation or underutilization of women and minorities in the Coast Guard and meeting identified personnel resource requirements and training needs—

"(1) conduct studies and analyses on Coast Guard personnel resource and training needs; and

"(2) employ special programs for recruiting women and minorities, including, subject to appropriations, provision of financial assistance by grant, cooperative agreement, contract, or otherwise, to public or private associations, organizations, or individuals to implement national or local outreach programs.".

SEC. 402. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

Section 283(b) of title 14, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking the last sentence; and

(3) by adding at the end the following:

"(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

"(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

"(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

"(C) if eligible for retirement under any law, be retired.".

SEC. 403. REPORT RECOMMENDING ACTIONS FOR THE PROTECTION OF THE ENDANGERED NORTHERN RIGHT WHALE.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Commerce, shall submit a report to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate recommending actions to prevent mortalities of the northern right whale from vessel collisions in the Great South Channel off Cape Cod, Massachusetts. The report shall include—

(1) recommendations for actions that could be undertaken by the Coast Guard and the International Maritime Organization, including—

(A) the designation of 1 or more areas to be avoided;

(B) the shifting of the traffic separation scheme in the Great South Channel; or

(C) other measures the Secretary considers appropriate; and

(2) if appropriate, a schedule for submitting those recommendations to the International Maritime Organization.

SEC. 404. CONTINUING OBLIGATION TO PROVIDE DOCUMENTATION INFORMATION AT EXISTING LOCATIONS.

The Secretary of Transportation shall, until October 1, 1999, maintain an ability, at Coast Guard offices that are located in the immediate vicinity of former regional vessel documentation offices, to assist the public with information on obtaining, altering, and renewing the documentation of a vessel and on vessel documentation laws and regulations generally.

SEC. 405. PROHIBITION ON STATION CLOSURES AND VESSEL AND AIRCRAFT DECOMMISSIONINGS IN FY 1995.

In fiscal year 1995, the Secretary of Transportation may not close or consolidate any shore unit, including any multimission small boat station, and may not decommission any vessel or aircraft, based in whole or in part on the increased costs resulting from inclusion of the Coast Guard in the military pay raise for fiscal year 1995 or the cost-of-living allowance for members of the uniformed services assigned to high cost areas in the continental United States under the National Defense Authorization Act for Fiscal Year 1995.

SEC. 406. CONTINUATION OF THE COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking "September 30, 1994" and inserting "October 1, 1999".

SEC. 407. PROHIBITION ON DIVERSION OF DRUG INTERDICTION FUNDS.

The Secretary of Transportation may not reduce the level of Coast Guard drug interdiction below the level proposed by the President in the Fiscal Year 1995 budget.

SEC. 408. PROHIBITION ON STATION CLOSURES.

(a) PROHIBITION.—The Secretary of Transportation may not close or consolidate any multimission small boat station in fiscal year 1995 until the Secretary has submitted a list of proposed station closures to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate.

(b) DEADLINE FOR SUBMISSION.—The Secretary shall submit such list at least 60 days prior to any such closure or consolidation.

SEC. 409. RENEWAL OF THE NAVIGATION SAFETY ADVISORY COUNCIL.

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended in subsection (d) by striking "September 30, 1995" and inserting "September 30, 2000".

SEC. 410. 47-FOOT MOTOR LIFEBOAT ACQUISITION PROGRAM.

The Secretary of Transportation shall ensure that the Coast Guard 47-foot Motor Lifeboat acquisition is accomplished in accordance with the laws and regulations applicable to small business set asides.

SEC. 411. COAST GUARD RESERVE PEACETIME REQUIREMENTS PLAN.

No later than February 1, 1995, the Secretary of Transportation shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to more fully utilize the Coast Guard Selected Reserve to augment peacetime operations. As part of the plan, the Secretary shall include—

(1) methods to deliver more cost-effective Coast Guard services by supplementing active duty personnel with Coast Guard reservists while preserving the current level of service to the public;

(2) methods to more fully integrate the Coast Guard Reserve in peacetime Coast Guard programs, including, but not limited to, search and rescue, marine safety, and marine environmental protection;

(3) the most effective command structure for the Coast Guard Reserve; and

(4) a specific estimate of the number of reservists needed to augment peacetime Coast Guard missions under the plan.

SEC. 412. TRANSFER OF COAST GUARD PROPERTY.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "Former Marine Safety Detachment" as identified in Report of Excess Number CG-689 (GSA Control Number 9-U-AK-0747) and described in subsection (b), for use by the Ketchikan Indian Corporation as a Native health clinic.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Ketchikan, Township 75 south, range 90 east, Copper River Meridian, First Judicial District, State of Alaska, and commencing at corner numbered 10, United States Survey numbered 1079, the true point of beginning for this description: Thence north 24 degrees 04 minutes east, along the 10-11 line of said survey a distance of 89.76 feet to corner numbered 1 of lot 5B; thence south 65 degrees 56 minutes east a distance of 345.18 feet to corner numbered 2 of lot 5B; thence south 24 degrees 04 minutes west a distance of 101.64 feet to corner numbered 3 of lot 5B; thence north 64 degrees 01 minute west a distance of 346.47 feet to corner numbered 10 of said survey, to the true point of beginning, consisting of 0.76 acres (more or less), and all improvements located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Ketchikan Indian Corporation as a Native health clinic.

SEC. 413. REPORT ON COSTS OF VESSEL INSPECTIONS OUTSIDE UNITED STATES.

(a) REPORT REQUIREMENT.—Not later than January 1, 1995, the Secretary of Transportation shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science,

and Transportation of the Senate a report describing in detail the costs incurred by the United States in fiscal year 1994 for the performance by Coast Guard personnel of vessel inspections outside the 50 States and the District of Columbia, including travel expenses, subsistence pay, compensation, and all other costs associated with those inspections.

(b) ITEMIZATION OF COSTS.—The report required by subsection (a) shall include—

(1) a description and the costs of the various types of activities in which Coast Guard inspectors engaged outside the United States in fiscal year 1994 with respect to repair and construction of vessels in foreign countries;

(2) the number and costs of inspections of vessels documented in the United States that did not visit ports in the United States in fiscal year 1994 (including the number of such vessels inspected);

(3) the number and costs of inspections of mobile offshore drilling units (as that term is defined in section 2101 of title 46, United States Code) that are documented in the United States and that did not operate in waters of the United States in fiscal year 1994; and

(4) the number and cost of Coast Guard inspectors permanently stationed in foreign countries.

SEC. 414. CONVEYANCE OF LIGHT STATION MONTAUK POINT, NEW YORK.

(a) CONVEYANCE REQUIREMENT.—

(1) REQUIREMENT.—The Secretary of Transportation shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Light Station Montauk Point, located at Montauk, New York.

(2) DETERMINATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Montauk Light Station pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF LIGHT STATION.—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) LIMITATION ON OBLIGATIONS OF MONTAUK HISTORICAL ASSOCIATION.—The Montauk Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) For purposes of this section—

(1) The term "Montauk Light Station" means the Coast Guard light station known as Light Station Montauk Point, located at Montauk, New York, including the keeper's dwellings, adjacent Coast Guard rights of way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker; and

(2) the term "Montauk Lighthouse" means the Coast Guard lighthouse located at the Montauk Light Station.

SEC. 415. CAPE ANN LIGHTHOUSE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thachers Island, Massachusetts.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Cape Ann Lighthouse shall immediately revert to the United States if the Cape Ann Lighthouse, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE AND NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the town of Rockport may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Cape Ann Lighthouse as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The town of Rockport is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The town of Rockport shall maintain the Cape Ann Lighthouse in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section, the term "Cape Ann Lighthouse" means the Coast Guard property located on Thachers Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

SEC. 416. TRANSFER OF OCRACOKE LIGHT STATION TO SECRETARY OF THE INTERIOR.

The Secretary of Transportation shall transfer administrative jurisdiction over the Federal property, consisting of approximately 2 acres, known as the Ocracoke Light Station, to the Secretary of the Interior, subject to such reservations, terms, and conditions as may be necessary for Coast Guard purposes. All property so transferred shall be included in and administered as part of the Cape Hatteras National Seashore.

SEC. 417. PROHIBITION ON OVERHAUL, REPAIR, AND MAINTENANCE OF COAST GUARD VESSELS IN FOREIGN SHIPYARDS.

(a) PROHIBITION.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards

"A Coast Guard vessel may not be overhauled, repaired, or maintained in any shipyard located outside the United States, except that this section does not apply to emergency repairs.".

(b) CLERICAL AMENDMENT.—Title 14, United States Code, is amended in the analysis at the beginning of chapter 5 by adding at the end the following:

"96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.".

SEC. 418. STUDY OF IMPLICATIONS FOR VESSEL SAFETY IN NAVIGABLE WATERS NEAR HOUSTON, TEXAS, OF TRADE AGREEMENTS.

(a) STUDY.—Not later than July 1, 1996, the Secretary of Transportation, acting through the

Coast Guard office in Houston, Texas, and subject to the availability of appropriations, shall conduct a study of the implications for vessel safety in the navigable waters near Houston, Texas, of increased shipping traffic resulting from—

(1) the North American Free Trade Agreement Implementation Act; and

(2) legislation necessary to implement the Uruguay Round of the General Agreement on Tariffs and Trade.

(b) CONTENT.—The study under subsection (a) shall include—

(1) examination of implications for vessel safety in the Port of Houston and the Houston ship channel; and

(2) development of recommendations for—

(A) responding to vessel accidents in those waterways,

(B) removal of vessels damaged in those accidents, and

(C) ways to improve the overall safety of the Port of Houston and the Houston ship channel, including recommendations of restrictions on vessel movements within that Port or channel if necessary to ensure safety.

(c) REPORT.—Not later than July 1, 1996, the Secretary of Transportation shall submit to the Congress a report on the findings and recommendations developed by the study under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—For carrying out the study and preparing the report required by this section, there are authorized to be appropriated to the Secretary of Transportation $300,000 for fiscal year 1995 and such sums as may be necessary for fiscal year 1996.

AMENDMENT OFFERED BY MS. LONG

Ms. LONG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. LONG:

At the end of the bill, add the following:

SEC. . IMPLEMENTATION OF OIL POLLUTION ACT WITH RESPECT TO VEGETABLE OIL.

In implementing the Oil Pollution Act of 1990 (Public Law 101-380), the Coast Guard and other agencies shall differentiate between animal fats or oils of vegetable origin and other oils, including petroleum oils, on the basis of their physical, chemical, biological, and other properties, and their environmental effects.

Ms. LONG. Mr. Chairman, this amendment will direct Federal agencies charged with implementing the Oil Pollution Act of 1990 to differentiate between nontoxic agricultural products and toxic petroleum oils.

Several agencies have been working on these regulations for many months. Unfortunately, they have produced a hodge-podge and often troubling set of procedures which really don't make any sense.

Over 50 Members of the House have written to Department heads to rectify and harmonize—to the extent they can—the various regulations. Unfortunately, the regulations have not been harmonized in an appropriate fashion and vegetable oils and animal fats are still—in some cases—being regulated like other toxic oils such as petroleum oils.

The amendment Mr. EWING and I offer will simply require that regulations shall differentiate between animal fats and vegetable oils and other oils. The amendment does not limit the regulation of any oils; it only requires that they be differentiated.

Amazingly, the final regulations at EPA do not provide appropriate differentiation between these products. They do not provide a separate category for animal fats and vegetable oils, and they adopt the same criteria for determining appropriate response techniques that are used for toxic oils. As a result, nontoxic agricultural products are grouped with such toxic oils as camphor oil, carbolic oil, mineral oil and PCB-type transformer oil.

For example, the EPA final rule provides no specific guidance to facilities that store vegetable oil on how to plan for an oil spill. Thus, each facility must individually petition EPA to approve its plan. And the EPA rule is the only one of seven regulatory actions involving four agencies that would affect the treatment of animal fats and vegetable oils under the Oil Pollution Act of 1990. These regulations place a burden on facilities and transporters that is simply not justified by agricultural products that are nontoxic, readily biodegradable, not persistent in the environment, and are essential components of human and wildlife diets.

Again, this amendment would not exempt the animal fats and vegetable oil industries from oil response regulations. It would merely require Federal agencies to take account of the unique differences between animal fats and vegetable oils and toxic substances.

Mr. STUDDS. Mr. Chairman, will the gentlewoman yield?

Ms. LONG. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I thank the Congresswoman for her work on this amendment and we are prepared on this side to accept it.

The amendment does not exempt vegetable oils and animal fats from the Oil Pollution Act of 1990. Rather, it simply directs the Coast Guard and other agencies to make reasonable distinctions between vegetable oils and petroleum oils based on the different effects these oils may have when spilled into the marine environment. While it is true that even the most benign oil in large quantities may harm the environment, there may be different responses needed to clean up vegetable as opposed to petroleum oil.

I expect the Coast Guard, EPA, and NOAA to work with representatives of the vegetable oil industry and other interested persons in developing appropriate requirements for response plans for spills from these oils.

Again, I appreciate the diligence of the gentlelady from Indiana. I support her amendment.

Mr. FIELDS of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. LONG. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise in support of her amendment. I am sorry that the amendment is necessary because this is a matter that should have been resolved through the regulatory process by the Coast Guard and the Environmental Protection Agency. There is no question that animal fats and vegetable oils should be regulated differently than petroleum oils under the Oil Pollution Act of 1990.

I would urge my colleagues to support the amendment.

Mr. TAUZIN. Mr. Chairman, will the gentlewoman yield?

Ms. LONG. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise to commend the gentlewoman for her excellent work here. This matter as the chairman and ranking member said should have been resolved within the regulatory context. It obviously was not. It required a legislative solution.

I want to thank the gentlewoman for coming up with one. Everyone thought it was reasonable to assume that within our regulations, we could differentiate between the toxic conditions of crude oils and the more natural conditions of vegetable oils. I am delighted the gentlewoman was able to find that solution. I am anxious to support her amendment. I urge my colleagues to join with her in this good effort.

Ms. LONG. Mr. Chairman, I thank the gentleman for his support.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Indiana [Ms. LONG].

The amendment was agreed to.

AMENDMENT OFFERED BY MS. SCHENK

Ms. SCHENK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. SCHENK: Page 37, after line 18, add the following:

SEC. . LIMITATION ON AUTHORITY OF STATES TO REGULATE GAMBLING DEVICES ON VESSELS.

Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the "Johnson Act", is amended by adding at the end the following:

"(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—A voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

"(i) that begins and ends in the same State;

"(ii) that is part of a voyage to another State or to a foreign country;

"(iii) that does not begin and does not end in Hawaii; and

"(iv) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.".

Ms. SCHENK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

MODIFICATION TO AMENDMENT OFFERED BY MS. SCHENK

Ms. SCHENK. Mr. Chairman, I ask unanimous consent to modify the language of my amendment. The modification is minimal and not substantive and merely conforms to the language being considered in the other body.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment offered by Ms. SCHENK, as modified: At the end of title IV (page 37, after line 18), add the following:

SEC. . LIMITATION ON AUTHORITY OF STATES TO REGULATE GAMBLING DEVICES ON VESSELS.

Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the "Johnson Act", is amended by adding at the end the following:

"(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

(i) that begins and ends in the same State;

(ii) that is part of a voyage to another State or to a foreign country; and

(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.".

Ms. SCHENK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. SCHENK. Mr. Chairman, first I would like to thank the chairman of our committee, the gentleman from Massachusetts [Mr. STUDDS], the ranking member, the gentleman from Texas [Mr. FIELDS], the chairman of our subcommittee, the gentleman from Louisiana [Mr. TAUZIN], and the ranking member of our subcommittee, the gentleman from North Carolina [Mr. COBLE], for their support and their cooperation.

Mr. Chairman, I offer this amendment to H.R. 4422 to resolve a problem which has resulted from the passage in 1992 of Public Law 102-251. That legislation permitted gambling aboard U.S.-flag cruise vessels and was a great boon to our domestic cruise industry. Unfortunately an unintended consequence of that law has been a disastrous loss of business for the cruise industry in California, resulting in a loss of jobs in my district of San Diego and indeed throughout the State of California.

Many California cruises embark from one port and then make port at one or two other cities in the State on their way to a final destination in Mexico, Canada, or Alaska. California's Legislature became concerned that allowing gaming on these cruises might result in the State being forced to also allow gaming under the Indian gaming law. Consequently, the legislature took advantage of their right under the law to prohibit gambling on the intrastate segments of these cruises.

As a result, many California cruise ship companies have bypassed these second and third ports of call within our State. For instance, ships which once departed Los Angeles and called at Catalina or San Diego on their way to Mexico would no longer visit these other cities. Today we stand and watch these cruise ships sailing past this facility.

Mr. Chairman, my amendment alleviates California's problem and will allow our west coast cruise industry to resume. It is a carefully crafted amendment and I believe noncontroversial. It has the support of the Governor's office and the legislature and we have worked with the attorney general's office in crafting it. The amendment would extend the coverage of Public Law 102-251 to a voyage that, first, begins and ends in the same State or U.S. possession; second, is part of a voyage to another State or foreign country; and third, reaches that destination within 3 days of embarkation.

By establishing Federal regulation of these intrastate voyage segments, the amendment relieves California at its request of the jurisdiction to permit or prohibit gambling in international waters when a ship ultimately arrives at a foreign or out-of-State port within 72 hours. This will permit a California cruise vessel to resume multiple ports of call.

□ 1500

Some concern has been expressed about the impact of the amendment on ability of States to regulate gambling in State waters. Let me assure my colleagues that this legislation deals solely with the jurisdiction over gambling in international waters. It will no way affect any State's right to regulate gambling in State waters or on voyages to nowhere or on other intrastate cruises. The amendment has been carefully drawn to address a specific problem. It has no effect on riverboat gambling or other such issues.

This language was passed by the House last year as an amendment to H.R. 1250. The other body, however, has failed to act on that bill and so I must offer this amendment again to facilitate its passage.

The amendment was noncontroversial when it passed the House previously, and I hope it is noncontroversial still.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. STUDDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have examined this amendment and are prepared to accept it.

Mr. HORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to enter into a colloquy with my colleague, the gentlewoman from California and author of the amendment. As she knows, I have some concerns about this amendment.

As a little boy growing up in California I remember the gambling ships sitting 4 miles from the shore—outside of the State territorial waters—violating every law on the book, and a rather courageous attorney general, Earl Warren, went over the side and nailed them all, and the Johnson Act, I assume, is named for Hiram Johnson, one of California's two greatest Governors. Is that correct?

Ms. SCHENK. Mr. Chairman, will the gentleman yield?

Mr. HORN. I yield to the gentlewoman from California.

Ms. SCHENK. Mr. Chairman, I do not know. The gentleman is the professor and I yield to him.

Mr. HORN. I want to ask a few questions because I realize a lot of money is at stake here, and I realize there are big bucks. I am not interested in the big bucks. I am interested in who administers the law under certain conditions.

The first condition is obviously within the 3-mile limit, and as the gentlewoman has stated, am I correct in understanding the State would have jurisdiction there?

Ms. SCHENK. The gentleman is correct.

Mr. HORN. Beyond the 3-mile limit, assuming a cruise ship on which gambling took place left the port of Los Angeles or the port of Long Beach and went to perhaps San Diego, and then on to Ensenada in Mexican territory, that would be under Federal law beyond the 3-mile limit?

Ms. SCHENK. The gentleman is correct. The jurisdiction belongs at the Federal, administered by the Department of Justice. It would be investigated by the FBI and prosecuted by the relevant U.S. attorney.

Mr. HORN. So the Coast Guard's role in this is what?

Ms. SCHENK. The Coast Guard would I assume provide some support in this. They enforce the laws on the high seas. They enforce all of the U.S. laws on the high seas.

Mr. HORN. So in essence, would the Coast Guard be asked to enforce the gambling laws if the mob infiltrated these cruise ships?

Ms. SCHENK. I am assuming that they do that now and that they would continue to do that. This does not change the jurisdiction of the Federal-level agencies or of the State-level agencies except to the point that within the international waters where a ship is going from let us say the port of Los Angeles or the port of Long Beach to Mexico and wishes to stop at Catalina or San Diego or some other port,

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that intrastate portion, that it would now revert to what was the status under the Johnson Act, which is that the Federal Government would have jurisdiction. And I am assuming the Coast Guard would enforce it, just as they have in the past.

Mr. HORN. Is the gentlewoman assuming or does she know that the Federal Bureau of Investigation would have jurisdiction?

Ms. SCHENK. They do have jurisdiction.

Mr. HORN. So the enforcing authority which investigates and brings the information to the U.S. Attorney for an indictment, is the Federal Bureau of Investigation?

Ms. SCHENK. That is correct.

Mr. HORN. And the Coast Guard might be supportive in getting them to the ship or whatever?

Ms. SCHENK. The gentleman is correct.

Mr. HORN. But the Coast Guard does not have its own investigators, I take it?

Ms. SCHENK. I am not a Coast Guard expert, and as Members knows, he just brought this question to me in the past 5 minutes and I have been unable to give that kind of extensive research to it. We have been working on this issue for a year and a half. I will be happy to provide the gentleman with this information at the end of this session.

Mr. HORN. I would like it provided for the record so we have a clear understanding of who is responsible should criminal activity occur.

Ms. SCHENK. Again, as I say, we are not creating any new bureaucracy here, we are not making any changes. When the Federal Government has jurisdiction it would be the Coast Guard, the FBI, the Department of Justice, the U.S. Attorney.

Mr. HORN. Let us posit the second example. If we have a cruise ship leaving either the port of Los Angeles or the port of Long Beach and going to San Diego, perhaps dropping by Catalina on the way or other islands in that coastal zone, and they did not go to a foreign country or another State, that remains under State jurisdiction?

Ms. SCHENK. Absolutely. This amendment does not at all apply to purely intrastate voyages. The amendment is very clear that the ship must reach either a foreign port or another State within 72 hours.

Mr. HORN. Last question. As I understand it, one of the motives for this amendment is the fear of some that if that area remains under State jurisdiction and not Federal, various Indian tribes might have an opportunity to assert rights that they have received under the Constitution and Federal courts and engage in gambling?

Ms. SCHENK. The gentleman is correct. It is my understanding under the Indian gambling law, in fact, some of the tribes went to court when this law was amended in 1992 to seek the same kind of gambling rights on their reservations as the cruise ships allowed on those intrastate portions of the voyage.

Mr. HORN. I believe the gentlewoman or her staff has provided me with a letter from Governor Wilson which was sent to Senator FEINSTEIN on this. Is there objection if we put this letter in the RECORD?

Ms. SCHENK. I have no objection. We will have to ask the chairman if he has an objection.

Mr. HORN. Mr. Chairman, I include my letter from Gov. Pete Wilson to Senator DIANNE FEINSTEIN dated August 26, 1994, as follows:

AUGUST 26, 1994.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: This letter is in response to inquiries from your office regarding my position in support of the Schenk Amendment on cruise ship gambling.

As you know, federal law was changed in 1992 (H.R. 3866) to give states the authority to ban gambling on the high seas during interstate voyages. Indian tribes seeking to expand the scope of permissible gaming under the Indian Gaming Regulatory Act (IGRA) immediately went to court arguing that state acquiesence to casino gaming on intrastate voyages amounted to tacit agreement for tribes to conduct full-scale casino gaming within the state's territories.

I believe the IGRA should be amended to clarify that the scope of permissible Indian gaming within a state's territorial boundaries is game specific, i.e., only those forms of gaming the state permits played in the same fashion. Without such an amendment, any relaxation of the state's ban on cruise ship gambling could be used by a court to justify the expansion of gambling activities under the IGRA.

Alternatively, the Johnson Act (Anti-Gambling Devices Act) could be amended, as the Schenk language, attempts to do, to return the task of regulating casino gambling on legitimate cruise ships in intrestate travel to the federal government. This approach would reduce the risk that gambling activity that occurs outside California's borders will dictate the scope of gambling within its borders. Of course, any such amendment should be accompanied by measures to ensure sufficient federal regulatory control over shipboard gaming.

I trust this clarifies my position with regard to the need for changes in federal law in order to allow gambling on legitimate cruise ships operating out of California ports.

Sincerely,

PETE WILSON, *Governor.*

Mr. HORN. I thank the gentlewoman.

Mr. FIELDS of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to compliment the gentlewoman from California [Ms. SCHENK] for working with the committee, and I appreciate clarifying questions of my good friend, the gentleman from California [Mr. HORN].

As I understand, this particular amendment really makes technical changes, and it is supported by the Governor. Once again, I want to say to the gentlewoman we appreciate her working with both sides of the aisle in structuring what is a technical amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. SCHENK], as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUGHES:

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

SEC. . POLLUTION FROM SHIPS.

(a) PREVENTION OF POLLUTION FROM SHIPS.—Section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "(2) If" and inserting the following: "(2)(A) Subject to subparagraph (B), if"; and

(ii) by adding at the end the following new subparagraph:

"(B) The Secretary may issue a certificate attesting to the adequacy of reception facilities under this paragraph only if, prior to the issuance of the certificate, the Secretary conducts an inspection of the reception facilities of the port or terminal that is the subject of the certificate."; and

(B) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) is valid for the 5-year period beginning on the date of issuance of the certificate, except that if—

"(i) the charge for operation of the port or terminal is transferred to a person or entity other than the person or entity that is the operator on the date of issuance of the certificate—

"(I) the certificate shall expire on the date that is 30 days after the date of the transfer; and

"(II) the new operator shall be required to submit an application for a certificate before a certificate may be issued for the port or terminal; or

"(ii) the certificate is suspended or revoked by the Secretary, the certificate shall cease to be valid; and"; and

(2) by striking subsection (d) and inserting the following new subsection:

"(d)(1) The Secretary shall maintain a list of ports or terminals with respect to which a certificate issued under this section—

"(A) is in effect; or

"(B) has been revoked or suspended.

"(2) The Secretary shall make the list referred to in paragraph (1) available to the general public.".

(b) RECEPTION FACILITY PLACARDS.—Section 6(f) of the Act to Prevent Pollution from Ships (33 U.S.C. 1905(f)) is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Not later than 18 months after the date of enactment of this paragraph, the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal

users. The placard shall state, at a minimum, that a user of a reception facility of the port or terminal should report to the Secretary any inadequacy of the reception facility.".

(c) APPLICATION TO VESSELS.—

(1) NOTICE OF ARRIVAL.—The owner, master, agent, or person in charge of a vessel shall include in the notice of arrival required to be submitted to the Captain of the Port of the port or place of destination pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) information concerning the intention of the owner, master, or person in charge of the vessel with respect to the disposal of onboard waste at the port or place of destination.

(2) COMPLIANCE REPORTS.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (Public Law 100-220; 33 U.S.C. 1902 note) is amended—

(A) by striking "for a period of 6 years"; and

(B) by inserting before the period at the end the following: "and, not later than 1 year after the date of enactment of the Marine Plastic Pollution Research and Control Act of 1994, and annually thereafter, shall publish in the Federal Register a list of the enforcement actions taken against any domestic or foreign ship (including any commercial or recreational ship) pursuant to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)".

(d) MARINE PLASTIC POLLUTION RESEARCH AND CONTROL PUBLIC OUTREACH PROGRAM.—Section 2204(a) of the Marine Plastic Pollution Research and Control Act of 1987 (Public Law 100-220; 42 U.S.C. 6981 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "for a period of at least 3 years,";

(B) in subparagraph (C), by striking "and" at the end;

(C) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(E) the requirements under this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to ships and ports, and the authority of citizens to report violations of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).."; and

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) AUTHORIZED ACTIVITIES.—

"(A) PUBLIC OUTREACH PROGRAM.—A public outreach program under paragraph (1) may include—

"(i) developing and implementing a voluntary boaters' pledge program;

"(ii) workshops with interested groups;

"(iii) public service announcements;

"(iv) distribution of leaflets and posters; and

"(v) any other means appropriate to educating the public.

"(B) GRANTS AND COOPERATIVE AGREEMENTS.—To carry out this section, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency are authorized to award grants, enter into cooperative agreements with appropriate officials of other Federal agencies and agencies of States and political subdivisions of States, and provide other financial assistance to eligible recipients.

"(C) CONSULTATION.—In developing outreach initiatives targeted at the interested groups that are subject to the requirements of this title and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, shall consult with—

"(i) the heads of State agencies responsible for implementing State boating laws; and

"(ii) the heads of other enforcement agencies that regulate boaters or commercial fishermen.".

(e) COORDINATION.—

(1) ESTABLISHMENT OF MARINE DEBRIS COORDINATING COMMITTEE.—The Administrator of the Environmental Protection Agency shall establish a Marine Debris Coordinating Committee (referred to in this section as the "Committee").

(2) MEMBERSHIP.—The Committee shall include a senior official from—

(A) the Environmental Protection Agency, who shall serve as the Chairperson of the Committee;

(B) the National Oceanic and Atmospheric Administration;

(C) the United States Coast Guard;

(D) the United States Navy; and

(E) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Administrator of the Environmental Protection Agency determines appropriate.

(3) MEETINGS.—The Committee shall meet at least twice a year to provide a forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(f) MONITORING.—The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist the United States Coast Guard in assessing the effectiveness of this Act.

Mr. HUGHES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HUGHES. Mr. Chairman, I rise to offer an amendment, on behalf of myself, Mr. SAXTON, and Mr. PALLONE, that would improve implementation of the Marine Plastic Pollution Research and Control Act of 1987. This amendment represents an abridged version of legislation I have introduced, the Marine Plastic Pollution Research and Control Act Amendments of 1994 and is similar to legislation introduced in the other body by Senator FRANK LAUTENBERG.

I would like to thank the distinguished chairman of the Merchant Marine and Fisheries Committee, GERRY STUDDS, and the distinguished ranking minority member, JACK FIELDS, for their assistance and support for this amendment. I would also like to thank BILLY TAUZIN, the chairman of the Coast Guard Subcommittee, and his ranking member HOWARD COBLE for theirs. I am also grateful to my New Jersey colleagues on the committee, FRANK PALLONE and JIM SAXTON, for their help and cosponsorship. Finally, I want to thank our colleague from Virginia, HERB BATEMAN and our colleague from Pennsylvania, CURT WELDON for their support with this amendment.

□ 1510

As you know I have been deeply involved during my almost two decades of service as a member of the Merchant Marine Committee with efforts to improve the quality of our coastal waters and beaches. I have worked closely with members like JIM SAXTON, FRANK PALLONE, Bob Roe, the late Jim Howard, and Ed Forsythe and many others to improve our ocean policy. Together, we have worked hard to develop and pass legislation to end ocean dumping of sewerage sludge, track medical waste, and improve the monitoring of coastal recreational waters. I was also one of the prime sponsors of the Marine Plastic Pollution Research and Control Act Amendments of 1987—the very legislation that this amendment is aimed at improving. But we can and should do more.

The Marine Plastic Pollution Research and Control Act Amendments of 1994 is a natural counterpart to that legislation, because it seeks to improve the quality of our coastal waters through enhanced procedures for plastic pollution monitoring. The legislation provides the Coast Guard with additional authority and imposes stricter requirements on it—all aimed at improving compliance and enforcement of waste disposal practices at ports and aboard vessels.

The first part of our amendment would attack the ocean dumping problem by ensuring the presence of adequate waste reception facilities at all ports and terminals. It does this by requiring on-site inspection of reception facilities by the Coast Guard prior to issuance of a certificate of adequacy. Under current law, ports are required to provide facilities capable of receiving waste from ships. However, certification of these facilities occurs without any type of regular inspection. Our amendment ensures that these facilities will be inspected regularly by providing for automatic expiration of certificates after 5 years, or sooner if there is a change in operator or if the certificate is suspended or revoked. In addition, the amendment requires the Secretary of Transportation to maintain and publicize a list of ports or terminals which have either active or revoked certificates of adequacy.

The amendment would also compel the Secretary to promulgate regulations that require the operator of a

port or terminal to post a placard stating that users should report to the Secretary any inadequacy in that port's waste reception facility.

Subsection C of this amendment relates to the responsibility of vessels in preventing plastic pollution. The first part addresses a particular weakness that exists in current law. Under a contract with a shipowner, a shipping agent is charged with facilitating all shipping arrangements for a vessel. However, the Coast Guard has reported that the operator of a port reception facility often does not know that there was a request by the vessel master to deposit waste. This creates a loophole in responsibility, making it difficult for the Coast Guard to enforce the law. This amendment would remove that loophole by requiring the person in charge of a vessel to include in the notice of arrival to a port information about his or her intent with respect to waste disposal at that port, making the vessel operator the responsible party.

Subsection C will require that a list of enforcement actions taken against any domestic or foreign vessel pursuant to the act to prevent pollution from ships be published in the Federal Register on an annual basis.

The fourth part of my amendment would fight pollution through public education. This subsection would extend and expand public outreach, and require that such programs teach citizens about their authority to report violations of the act. Additionally, the amendment would require that Federal agencies consult with state or local agencies that have direct contact with recreational and commercial boaters to assist them in developing programs and would authorize USCG, EPA, and NOAA to award grants in order to carry out this subsection.

My amendment also seeks to improve the implementation of current law through enhanced coordination between Government entities. The amendment directs the EPA to establish a marine debris coordinating committee which includes NOAA, the Coast Guard, the Navy, and other Federal agencies. That committee is tasked with ensuring the coordination of national and international research, monitoring, education, and regulatory actions addressing persistent marine debris problems.

Finally, the amendment requires the EPA Administrator, in cooperation with NOAA, to assist the Coast Guard with monitoring by providing marine debris data collected pursuant to title V of the Marine Protection, Research, and Sanctuaries Act of 1972.

Mr. Chairman, earlier this year, in testimony before the Coast Guard Subcommittee, the Commandant of the Coast Guard, Admiral Kramek, said that he wanted the Coast Guard to become world leaders in environmental protection. I applaud his forward-looking thinking. I think the Coast Guard is well on the way to achieving that goal. This amendment fits in well with Admiral Kramek's vision because it will help the Coast Guard to ensure that our coastal waters are free of plastic debris and other garbage. Perhaps, that is why the Coast Guard, as well as the Center for Marine Conservation and the American Association of Port Authorities, supports this amendment.

Mr. Chairman, the marine environment and our coastal tourist industry is jeopardized every time a beach becomes littered with bottles, cans, and other kinds of trash. Most of you remember the impact that washups of trash and medical waste had on shore economies in 1988. I am sure all of you share my hope that we never see a summer like that again.

I am hopeful that this amendment will give the Coast Guard and other agencies the tools they need to prevent another summer of 1988. It is a simple and, I think, sensible measure, and I urge my colleagues to support it.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, first of all, I want to say that on the minority side of the aisle we have had an opportunity to review this. We appreciate the gentleman working with us over a period of weeks to work this particular compromise, and I am glad to report to my colleagues that this is an amendment that should be supported.

But more importantly, I want to point out to the House this may be the last time that the Committee on Merchant Marine and Fisheries is on the floor this session. Consequently, it may be the last time the gentleman is on the floor as a member of this committee, and I just want to say publicly that in the 14 years that I have served with the gentleman from New Jersey, he has conducted himself in the way that he conducted himself on this particular amendment, and that is with grace and with dignity, and we appreciate the service that you have rendered not only in the 14 years that I have been in the House but the 20 years that you have been in the House of Representatives.

The last two nights I have been at events that have honored the gentleman from Illinois [Mr. MICHEL], and a number of very fine things have been said about our Republican leader. I would just say to the House and suggest that the things that have been said about the gentleman from Illinois [Mr. MICHEL], his ability to work with others, his honor, could also be said about the gentleman from New Jersey.

I think from my perspective you have been an exemplary Member, a model, and you will be sorely missed.

Mr. HUGHES. I thank the gentleman very much. I appreciate that. I have enjoyed working with the gentleman from Texas over the years.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I want to join my colleague, the ranking member, in paying tribute to the gentleman. We have served together on this committee for more years then either of us cares publicly to admit.

I must confess that I am a bit envious of where he is headed, wherever it may be. At least we know where it is not. He has shown extraordinary wisdom in his choices throughout his career here. He has been an enormous addition to this committee. He has been a leader in this field from the moment he arrived.

I am going to miss very much having him at my right hand, and I know he has served his district and his State with great distinction for many, many years.

He will be sorely missed here. This is a field in which he has taken leadership from day one, and it is a privilege and a pleasure, as one of our last formal acts here, to accept his amendment.

Mr. HUGHES. I thank the gentleman.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Ohio.

Mr. TRAFICANT. I would just like to associate myself with the remarks of the ranking member and the chairman.

I do not serve on this committee, but I have worked with you for 10 years, and I would like to say that I know of no one else who has been as fair and helpful to every Member regardless of their rank and power within the House. You always are very fair. You are going to be deeply missed. Your district is going to miss you as a great Member.

I want to join in these remarks and support your amendment.

Mr. HUGHES. I thank the distinguished gentleman from Ohio, my friend.

Let me say, before I sit down, I support the overall bill. It is a good authorization bill, and it is worthy of support.

Finally, as I said to the gentleman from Texas yesterday, as we walked the corridors, if every committee of the House worked in as bipartisan and effective a fashion as does the Committee on Merchant Marine and Fisheries, this place would be a better place. It is goal-oriented, and I think of all the things I have done over the years, the most I am proud of is the good policy that emanates from this committee. It is a good reflection on the members and professional staff.

It is my honor to have worked with you, I say, GARY and JACK and others and JIM and the gentleman from Pennsylvania [Mr. WELDON], who I see

standing, in developing good ocean policy, better maritime policy, which we need to build upon in the years ahead, and outstanding environmental policy overall.

Mr. WELDON. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Pennsylvania.

Mr. WELDON. Mr. Chairman, I cannot let this moment go by without coming by and paying my respects to the gentleman from New Jersey.

Being a property owner in his district and knowing the real feelings of the people of south Jersey, there is no person more respected in New Jersey than BILL HUGHES. BILL, you have done a fantastic job. It has been a pleasure working with you.

Being here 8 years and serving on the Committee on Merchant Marine and Fisheries, you have been someone we always look up to as a leader, someone who is always fair, always works in a bipartisan manner.

Having spent some time this summer at the Cape May facility, your Coast Guard people love you, as they should.

I just think you are a model of what an effective Representative should be. It has been a honor to serve with you, with your leadership.

Mr. HUGHES. I thank the gentleman.

What started out as an effort to offer an amendment, it has turned out to sound like something like a wake.

I want to tell my colleagues I have enjoyed service on the committee. It is a wonderful committee. I am going to miss you all.

Mr. SAXTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, obviously I rise in support of the Hughes amendment.

Let me say, before I offer my remarks on the amendment, that I, too, have had the privilege of serving with BILL HUGHES now for half the time that he has been here and the decade that I have been here, and it has certainly been a pleasure to share 150 miles of coastline, of oceanfront, with BILL HUGHES.

We have done much work together, and as the gentleman was recognizing those of us who have worked on the Committee on Merchant Marine and Fisheries, on ocean issues, he gave us a lot of credit when, in fact, on most of these issues involving getting chemical dumping out of the ocean, getting sludge out of the ocean, getting medical waste out of the ocean, and, of course, plastics, it has been BILL HUGHES who has always been in the forefront as a member of this committee.

In addition to that, I could not have asked for a better neighbor at home with contiguous districts, with many issues the same. I have appreciated the cooperation and the congeniality that BILL and I have been able to share, going up and down the coastline, hearings in each other's districts, sharing information and trying to deal with issues, and I have benefited greatly from the experience and the cooperation that BILL HUGHES has shared with me on these issues.

And so it is a pleasure for me to rise in support of this issue.

Let me say, while I am on my feet, as well, that there are a number of people on the Committee on Merchant Marine and Fisheries who share coastal areas, and this committee has worked, as BILL HUGHES is evidence of, in a very bipartisan way to try to solve problems that are very unique in nature and that take a great deal of dedication and working together to fashion answers to very, very difficult problems that have to do with contentious groups of people, different fishing groups, for example, international issues that we have to deal with.

□ 1520

So I am very pleased that Chairman STUDDS has been able to lead us over these last few years and that people like BILL HUGHES have been there to work with us to bring these issues together.

I will miss BILL HUGHES as he leaves this House. I offer my thanks and gratitude for all that he has helped me do.

Mr. Chairman, I rise in support of the Hughes-Saxton-Pallone amendment to the Coast Guard reauthorization bill and I thank my colleague, Mr. HUGHES, for his tireless work on this and other legislation aimed at protecting our ocean waters.

As you may know, current law prohibits the disposal of all plastics and other garbage from ships into the sea. It also requires that ports provide facilities capable of receiving waste from ships.

The Hughes-Saxton-Pallone amendment improves the Marine Plastic Pollution Research and Control Act of 1987. It does so by requiring the inspection of garbage disposal facilities at ports prior to issuing a certificate of adequacy. Currently, a port can obtain the required certificate without having an inspection.

The port may not be capable of handling plastic and other waste from ships. This amendment will ensure that the ports can handle waste, so it does not wash up on our shores.

The amendment also places the onus of garbage disposal on vessel operators. It requires the vessel operator to inform the port what the ship's garbage needs are so the port can accommodate it. Further, it expands public outreach so that the public knows to whom and how to report violations of the act. Finally, I am pleased to report that this amendment has the support of the Center for Marine Conservation, the American Association of Port Authorities, and the U.S. Coast Guard.

Plastic pollution in our oceans is a persistent problem. The environmental groups in my district, such as Alliance for a Living Ocean and Clean Ocean Action, are diligent in removing marine debris from ocean beaches. But they cannot do it alone. I ask for your support of the Hughes-Saxton-Pallone amendment, so they will not have to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. HUGHES].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FIELDS OF TEXAS

Mr. FIELDS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS of Texas:

At the end of title IV, add the following new section:

SEC. . MERCHANT MARINER BENEFITS.

(a) Part G of Subtitle II, title 46, United States Code, is amended by adding the following new chapter:

"CHAPTER 112—MERCHANT MARINER BENEFITS

Sec.
11201. Qualified services.
11202. Qualified service benefits.

11201. QUALIFIED SERVICE.

An individual who was in training for or who served as a member of the United States merchant marine, including the Army Transport Service and the Naval Transportation Service, or who received a letter of induction, before August 16, 1945, is deemed to have been engaged in qualified service for purposes of this chapter.

11202. QUALIFIED SERVICE BENEFITS.

(a) An individual who believes that individual performed qualified service under section 11201 of this chapter may apply to the Secretary. Not later than 180 days after the Secretary receives an application under this section, the Secretary shall determine whether the individual performed qualified service.

(b) The Secretary shall issue an honorable discharge to an individual who performed qualified service as determined by the Secretary under subsection (a). The Secretary shall issue the discharge subject to the standards that apply to the honorable discharges issued under section 401(a)(1)(b) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

(c) The qualified service of an individual who—

(1) receives an honorable discharge under subsection (b); and

(2) is not eligible for benefits under a law administered by the Secretary of Veterans Affairs—

shall be treated as active duty for purposes of eligibility for benefits under chapters 23 and 24 of title 38, United States Code.

(d) The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits provided to an individual by reason of eligibility under this chapter.

(e) An individual is not entitled to, and may not receive, benefits under this chapter for any period before the date of enactment of this chapter.

(b) The analysis at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 following:

112. Merchant mariners benefits 11201

Mr. FIELDS of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FIELDS of Texas. Mr. Chairman, I will be very brief. This is something

we considered last year. It is a modified version of a proposal I offered to last year's Coast Guard authorization bill, which was adopted without opposition.

The purpose of this amendment is to try to correct a 48-year-old injustice that has been perpetrated on about 2,500 Americans who served this country with both honor and distinction during World War II.

Under my amendment, our Government would be directed to carefully review the records of those who served in our merchant marine during World War II and to determine whether they qualify for veterans status.

While I believe this administrative review is long overdue, this amendment will mandate a fresh look at this issue and require that these brave Americans at least have an opportunity to make their case.

Under my amendment last year, any merchant mariner who qualified for veterans status would have been eligible for the full range of veterans benefits. Under this amendment, the only benefits provided are a discharge certificate indicating that an individual is a World War II veteran, a flag for their coffin, and a headstone for their grave.

The Congressional Budget Office has reviewed my amendment and has concluded that its costs are de minimis. In short, there is no budget impact and little, if any, cost to the Federal Government.

Having said that, I want to make it clear that this is an extremely important amendment for these 2,500 Americans. They have spent many years writing and contacting their elected representatives and they remain hopeful that justice will finally prevail.

During the past 5 years, I have heard the compelling stories of many of these Americans. Each of these individuals—like George Searle, Joe Katusa, Frank Ford, George Lewis, Richard Page, Fred Hicks, Burt Young, Don Miller, Ralph Taylor, Frank Coughlin, Herb Bauman, and E.J. Heins—share the common characteristics of love of country and the commitment to serve during one of the most difficult periods in our Nation's history.

Unlike their brothers in uniform, America's merchant seamen came home to no tickertape parades or celebrations. Little, if anything, was said about the contributions they made to defeating the Axis Powers and to preserving the freedoms and liberties we Americans cherish.

As Gen. Douglas MacArthur stated, "The merchant seamen shared the heaviest enemy fire. They contributed tremendously to our success."

Today, by approving this amendment, we can finally complete the job of providing fairness to those distinguished Americans who served in our merchant marine during World War II.

While the hour is late, we must not forget these proud Americans who made such invaluable contributions to our country's successful war effort. These men have waited a long time to tell their grandchildren that they are World War II veterans.

Mr. Chairman, I want to sincerely thank the 241 Members, most notably LANE EVENS and GERRY STUDDS, who have joined with me in this noble effort. While this amendment affects only a handful of people, it is a just remedy and it will stop treating these Americans as second-class citizens.

I urge adoption of the Fields amendment.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Texas. I yield to the chairman of the committee.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, we have had a chance to review the gentleman's amendment, and we are fully in support of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. FIELDS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Mississippi:

At the end of the bill add the following new title:

TITLE XI—UNITED STATES PASSENGER VESSEL FLAG ACT OF 1994

SEC. 1101. SHORT TITLE.

This title may be cited as the "United States-Flag Passenger Vessel Act of 1994".

SEC. 1102. COASTWISE TRANSPORTATION OF PASSENGERS.

(a) IN GENERAL.—Section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), is amended—

(1) by inserting "(a)" after "SEC. 8."; and

(2) by adding at the end the following new subsections:

"(b) VOYAGES-TO-NOWHERE.—

"(1) IN GENERAL.—Notwithstanding any other law, a vessel may transport passengers on a covered voyage from a place in the United States subject to the coastwise trade laws only if—

"(A) the vessel is owned by a person that is—

"(i) an individual who is a citizen of the United States; or

"(ii) a corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916; and

"(B) for a vessel that is at least 5 net tons, the vessel is documented under chapter 121 of title 46, United States Code, with a coastwise endorsement.

"(2) PENALTIES.—

"(A) CIVIL PENALTY.—A person operating a vessel in violation of this subsection is liable to the United States Government for a civil penalty of $1,000 for each passenger transported in violation of this subsection.

"(B) FORFEITURE.—A vessel operated in knowing violation of this subsection, and its equipment, are liable to seizure by and forfeiture to the United States Government.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'covered voyage' means transportation of a passenger from a place in any State or possession of the United States and returning to that place, if during that transportation no passenger departs from the vessel in a foreign country; and

"(2) the term 'passenger' does not include a travel agent on a voyage if—

"(A) the purpose of the voyage is to promote future trips on the vessel;

"(B) money is not paid to the vessel owner or charterer for the voyage; and

"(C) the voyage goes beyond the territorial sea of the United States.".

(b) EXCEPTION.—

(1) IN GENERAL.—Notwithstanding the amendments made by subsection (a), an ineligible vessel may engage in transport of passengers in coastwise trade (as those terms are defined in those amendments) on a trade route, if—

(A) the vessel engaged, in the period beginning January 1, 1990, and ending March 9, 1993, in transport of passengers in coastwise trade on that trade route; and

(B) within one year after the date of the enactment of this Act, the owner files with the Secretary of Transportation an affidavit certifying compliance with subparagraph (A) and listing each trade route on which the vessel engaged in transport of passengers in coastwise trade in the period described in subparagraph (A).

(2) SCHEDULED EXPIRATION OF EXCEPTION.—Paragraph (1) does not apply to an ineligible vessel after the later of—

(A) January 1, 2000,

(B) the date that is 15 years after the date of completion of construction of the vessel, or

(C) the date that is 15 years after the date of completion of any major conversion of the vessel that is begun before the date of the enactment of this Act.

(3) EXPIRATION OF EXCEPTION FOR FAILURE TO RECREW.—Paragraph (1) does not apply to an ineligible vessel after the date that is 5 years after the date of the enactment of this Act, unless—

(A) each individual employed on the vessel after the one-year period beginning on the date of the enactment of this Act is either a citizen of the United States or an alien lawfully admitted to the United States for permanent residence; and

(B) not more than 25 percent of the total number of individuals employed on the vessel after the one-year period beginning on the date of the enactment of this Act are aliens lawfully admitted to the United States for permanent residence.

(4) TERMINATION OF EXCEPTION UPON ENTRY OF REPLACEMENT.—Paragraph (1) does not apply to an ineligible vessel with respect to a trade route after the date of the entry into service on that trade route of an eligible vessel, if—

(A) the eligible vessel has a passenger carrying capacity that is equal to at least 75 percent of the passenger carrying capacity of the ineligible vessel, as determined by the Secretary of the Department in which the Coast Guard is operating;

(B) the person that is the owner or charterer of the eligible vessel submits to the Secretary of Transportation, by not later than 270 days before the date of that entry into service—

(i) a notice of the intent of the person to enter into that service; and

(ii) such evidence as the Secretary may require that the person is offering and advertising that service;

(C) any individual employed on the ineligible vessel after the one-year period beginning on the date of the enactment of this Act—

(i) is not a citizen of the United States; and

(ii) is not an alien lawfully admitted to the United States for permanent residence; and

(D) more than 25 percent of the total number of individuals employed on the ineligible vessel after the one-year period beginning on the date of the enactment of this Act are aliens lawfully admitted to the United States for permanent residence.

(5) TERMINATION OF EXCEPTION UPON SALE OF VESSEL.—Paragraph (1) does not apply to an ineligible vessel after any date on which the vessel is sold after the date of the enactment of this Act.

(6) DEFINITIONS.—In this subsection—

(A) the term "eligible vessel" means a vessel that is eligible under chapter 121 of title 46, United States Code, for a certificate of documentation authorizing the vessel to engage in coastwise trade;

(B) the term "ineligible vessel" means a vessel that is not eligible under chapter 121 of title 46, United States Code, for a certificate of documentation authorizing the vessel to engage in coastwise trade; and

(C) the term "major conversion" has the meaning that term has under section 2101 of title 46, United States Code.

SEC. 1103. DOCUMENTATION OF VESSELS.

(a) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106 and 12107 of title 46, United States Code, the Secretary of Transportation may issue certificates of documentation with appropriate endorsement for employment in the coastwise trade for the vessel M/V Helton Voyager (Spanish registration lista 2A-Folio-592) if—

(1) the person documenting the vessel entered a contract before May 21, 1992, to purchase the vessel;

(2) the vessel undergoes a major conversion (as defined in section 2101 of title 46, United States Code) in a United States shipyard under a contract signed before January 1, 1994;

(3) the cost of the major conversion is more than the value of the vessel before the major conversion; and

(4) the major conversion is completed and the vessel is documented under chapter 121 of title 46, United States Code, with a coastwise endorsement before January 1, 1995.

(b)(1) The vessel Star of Texas (Lloyds register number L5103936) may engage in coastwise trade out of the Port of Galveston during the 5-year period beginning on the date of the enactment of this Act, if during the period beginning 30 days after that date of enactment and ending 5 years after that date of enactment—

(A) at least 60 employees engaged on the vessel are United States citizens;

(B) of the employees engaged on the vessel who are United States citizens, at least 60 are proficient in lifeboat training, firefighting, and vessel evacuation under standards certified by the United States Coast Guard;

(C) all repairs and alterations to the vessel are done in United States shipyards;

(D) the vessel is a United States documented vessel before the end of that period; and

(E) all other employees are instructed in basic safety techniques.

(2) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) and section 12106 of title 46, United States Code, and subject to paragraph (1), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade in the period described in paragraph (1) for a vessel described in that paragraph.

Mr. TAYLOR of Mississippi (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. TAYLOR of Mississippi. Mr. Chairman, the amendment I offer today is virtually identical to a bill passed in this body by a very large vote on November 20 of last year. That bill would close a loophole in our maritime law which gives an unfair advantage to our foreign-flag competitors.

Under the present law, if a foreign-made, foreign-flag, foreign-owned vessel which operates out of the United States of America sails a mere 3 miles out to sea, turns around and comes back, it is considered a foreign voyage. In doing that, they are able to get around some of the oldest laws in our country, called the cabotage laws, which reserved coastlines for American vessels, American crews, and American-owned vessels. The amendment today would close this loophole. I think it is something both Democrats and Republicans can agree on.

I think Republicans in particular are always keenly aware of the mandates we put on American businesses. It is not fair to have a mandate on American businesses and yet allow people to operate out of the same areas not to live by those mandates.

The Democrats in this body can certainly approve of the jobs that will be created by insuring that in the future these vessels are made in America and preserve our very important national shipbuilding base for America in times of military use.

Mr. Chairman, I know of no opposition to the bill.

I thank the chairman, the gentleman from Massachusetts [Mr. STUDDS] and the ranking minority member, the gentleman from Texas [Mr. FIELDS], for allowing the amendment to come to the floor, and I urge its passage.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. I thank the gentleman for yielding.

Mr. Chairman, I am pleased to rise in support of the amendment offered by my colleague from Mississippi, GENE TAYLOR, a member of the Committee on Merchant Marine and Fisheries.

This amendment is a revised version of a bill that has been passed twice by the House of Representatives—once in the previous Congress and last November—but, due to matters beyond our control, has not been enacted.

This amendment will provide American companies the opportunity to become involved in the extremely lucrative cruise-to-nowhere trade. These voyages, which are currently conducted exclusively by foreign-owned, foreign-flagged, and foreign-manned cruise ships, represent a significant economic growth potential for American businesses. In addition, hundreds of jobs for American merchant mariners would be created.

As a result of administrative determinations—that the members of the Committee on Merchant Marine and Fisheries strenuously disagree with—the U.S. Customs Service has allowed these foreign ships to continue to operate.

This has led to the absurd situation that if someone goes on a saltwater fishing trip and returns to the port of departure, that fishing boat has to be U.S.-built and U.S.-owned. But if that same person gets on a cruise ship and spends the day eating, drinking, and gambling—rather than fishing—and the vessel returns to the same port, then the cruise ship can be foreign-built and foreign-owned.

This amendment would allow foreign-flag cruise operators to continue their activities until January 1, 2000, or for 15 years after construction or a major conversion of a ship, if they crew their ships with American merchant seamen. However, if they choose not to re-crew the ships, their operations would have to cease after 5 years.

The amendment would also allow a U.S.-cruise operator to enter a cruise-to-nowhere trade and bump-out an existing foreign operator sooner than 5 years, if the foreign operator elects not to hire an American crew.

This amendment will eliminate a major loophole in our coastwise trade law. I urge the adoption of the amendment and reserve the balance of my time.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the chairman.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the gentleman's amendment. Mr. Chairman, this is a subject upon which he has assumed leadership for some time. The concept of a cruise to nowhere is sort of appealing to most of your colleagues. The gentleman has done a superb job.

We agree with the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. TAYLOR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BILIRAKIS: At the end of Title IV (Page 37, after line 18), add the following:

SEC. . ANNUAL REPORT ON IMPLEMENTATION OF VESSEL TRAFFIC SERVICE.

Not later than April 1 of each year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing in detail the status of implementation of the Vessel Traffic Service in all the ports ranked in the Port Needs Study issued by the Coast Guard in 1991.

Mr. BILIRAKIS (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Chairman, my amendment is a simple one. It directs the Secretary of Transportation to submit an annual report to the House Merchant Marine and Fisheries Committee and the Senate Committee on Commerce, Science and Transportation no later than April 1. This report should describe in detail the status of implementation of the Vessel Traffice Service in all ports ranked in the Port Needs Study issued by the Coast Guard in 1991.

On August 10, 1993, a collision occurred in a navigation channel outside the entrance to Tampa Bay between two tug/barges and a 357-foot freighter. This accident resulted in a thunderous explosion that shot a fireball hundreds of feet into the air. In addition, approximately 380,000 gallons of oil spilled into the Gulf of Mexico. The cost of the cleanup of this spill was enormous—several million dollars, at least.

Mr. Chairman, this is not the first accident to occur at the mouth of Tampa Bay. Most of us in this chamber remember the disaster that occurred in May 1980, when a freighter ran into the Sunshine Skyway Bridge causing one of its spans to collapse. Some 40 people were killed.

In fact, the Tampa Bay area has been prominently listed by the Coast Guard as a danger area for cargo ships carrying hazardous material. In 1991, the U.S. Coast Guard conducted a Port Needs Study on 23 ports across the United States. The goal of this study was to recognize the ports that are most prone to accidents. The study ranked Tampa Bay as one of the top 10 most dangerous ports.

The Coast Guard has developed a system designed to prevent these types of accidents, and this system—the Vessel Traffic Service or VTS—has been successfully implemented by the Coast Guard in four major port areas.

VTS functions like an air traffic control system. It tracks vessels by radar and assists them in navigating through hazardous areas.

Unfortunately, however, under the fiscal year 1995 transportation appropriation bill that we considered in June of this year, further implementation of the Vessel Traffice Service was pushed back yet another year because, and I quote from the report language from the fiscal year 1995 transportation appropriations bill:

Subsequent to the transmittal of the budget, the committee was advised by the Coast Guard that the schedule for the VTS 2000 Program had slipped.

The report goes on further to say:

Review of the program's operational requirements and associated cost estimates took the Coast Guard much longer than anticipated.

Mr. Chairman, VTS is a vital program that can potentially save lives and save money. Therefore, we cannot afford vague promises and further delays due to undetermined slippage. The Congress must send a clear message to the Coast Guard, as well as to the Department of Transportation that VTS should be implemented as soon as possible.

Yet another benefit of VTS is its cost-effective answer to environmental disasters, such as the one that took place in Tampa Bay last year. Nationally, the cost to clean up these types of accidents far exceeds the funding requested by the Department of Transportation to operate the VTS Program.

The Coast Guard provides Congress with a quarterly fiscal report on how funds are spent for the VTS. However, it does not tell Congress how the Coast Guard is progressing in implementing the system in what it classifies in its Port Needs Study as danger areas for cargo ships carrying hazardous materials. This is the information we need.

This year, I took the liberty of asking the Coast Guard when VTS would be implemented in Tampa Bay. I was told that it would request funds to install VTS in Tampa Bay by fiscal year 2000. This is too long to wait for a system that can save lives.

Mr. Chairman, it is my hope that the committee will adopt my amendment in order to better ensure that the Coast Guard, whom I have supported over the years, does everything within its power to implement this life and environment-saving technology on a more timely basis—not only for Tampa Bay, but for other areas scheduled to receive the VTS.

I express this hope, not only in memory of the lives that have been lost in accidents such as those that I have described, but for the sake of the lives we will save through the VTS program.

My thanks to Chairmen STUDDS and TAUZIN and Mr. FIELDS and to the majority and minority staffs for their open-mindedness and cooperation. I encourage an "aye" vote.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. BILIRAKIS. I yield to the chairman of the committee.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, we have had a chance to review the gentleman's amendment, and we are prepared to support it.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. BILIRAKIS. I yield to the ranking member, the gentleman from Texas.

Mr. FIELDS of Texas. I thank the gentleman for yielding.

Mr. Chairman, we have considered this amendment. It is a very good amendment, it is needed, and we support it.

Mr. BILIRAKIS. Mr. Chairman, I thank both gentleman for their comments, and I want to thank particularly Chairman STUDDS, the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Texas [Mr. FIELDS], and the staffs of both the majority and minority.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. BILIRAKIS].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments en bloc offered by Mr. STUDDS.

Page 6, beginning at line 9, strike section 204 (and redesignate the subsequent section accordingly).

Page 13, strike lines 14 through 17.

Page 13, beginning at line 18, strike "(b) DESIGNATION OF CENTER AS REGIONAL FACILITY.—".

Page 17, line 2, before the period insert the following: "**AND MULTIBEAM SONAR**".

Page 17, line 4, insert "systems and multibeam sonar" after "radar".

Page 17, strike lines 17 through 21, and insert the following:

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Traverse City, Grand Traverse County, Michigan, and consisting of that part of the southeast ¼ of Section 12, Township 27 North, Range 11 West, described as: Commencing at the southeast ¼ corner of said Section 12, thence north 03 degrees 05 minutes 25 seconds east along the East line of said Section, 1074.04 feet, thence north 86 degrees 36 minutes 50 seconds west 207.66 feet, thence north 03 degrees 06 minutes 00 seconds east 572.83 feet to the point of beginning, thence north 86 degrees 54 minutes 00 seconds west 1,751.04 feet, thence north 03 degrees 02 minutes 38 seconds east 330.09 feet, thence north 24 degrees 04 minutes 40 seconds east 439.86 feet, thence south 86 degrees 56 minutes 15 seconds east 116.62 feet, thence north 03 degrees 08 minutes 45 seconds east 200.00 feet, thence south 87 degrees 08 minutes 20 seconds east 68.52 feet, to the southerly right-of-way of the C & O Railroad, thence south 65 degrees 54 minutes 20 seconds east along said right-of-way 1508.75 feet, thence south 03 degrees 06 minutes 00 seconds west 400.61 to the point of beginning, consisting of 27.10 acres of land, and all improvements located on that property including buildings, structures, and equipment.

Page 37, after line 18, add the following:

SEC. 419. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

"(B) A filing made electronically under subparagraph (A) shall not be effective after the 10-day period beginning on the date of the filing unless the original instrument is provided to the Secretary within that 10-day period.".

TITLE V—RECREATIONAL BOATING SAFETY

SEC. 501. SHORT TITLE.

This title may be cited as the "Recreational Boating Safety Improvement Act of 1994".

SEC. 502. PERSONAL FLOTATION DEVICES REQUIRED FOR CHILDREN.

(a) PROHIBITION.—Section 4307(a) of title 46, United States Code, is amended—

(1) in paragraph (2) by striking "or" after the semicolon at the end;

(2) in paragraph (3) by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(4) operate a recreational vessel under 26 feet in length unless each individual 12 years of age or younger wears a Coast Guard approved personal flotation device when the individual is on an open deck of the vessel.".

(b) STATE AUTHORITY PRESERVED.—Section 4307 of title 46, United States Code, is further amended by adding at the end the following:

"(c) Subsection (a)(4) shall not be construed to limit the authority of a State to establish requirements relating to the wearing of personal flotation devices on recreational vessels that are more stringent than that subsection.".

SEC. 503. ALLOCATION OF FUNDS BASED ON STATE ADOPTION OF LAWS REGARDING BOATING WHILE INTOXICATED.

Section 13103 of title 46, United States Code, is amended—

(1) by redesignating subsections (a), (b), and (c) in order as subsections (b), (c), and (d);

(2) by inserting before subsection (b) (as so redesignated) the following new subsection:

"(a)(1) Beginning in fiscal year 1998, of the amounts transferred to the Secretary each fiscal year pursuant to section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), the Secretary shall allocate for State recreational boating safety programs $10,000,000 as follows:

"(A) One-half shall be allocated in accordance with paragraph (2) among eligible States that—

"(i) prohibit operation of a recreational vessel by an individual who is under the influence of alcohol or drugs; and

"(ii) establish a blood alcohol concentration limit of .10 percent or less.

"(B) One-half shall be allocated in accordance with paragraph (2) among eligible States that—

"(i) prohibit operation of a recreational vessel by an individual who is under the influence of alcohol or drugs; and

"(ii) establish an implied consent requirement that specifies that an individual is deemed to have given their consent to evidentiary testing for their blood alcohol concentration or presence of other intoxicating substances.

"(2) Of the amount allocated under subparagraph (A) or (B) of paragraph (1) each fiscal year—

"(A) one-half shall be allocated equally among all eligible States receiving an allocation under that subparagraph for the fiscal year; and

"(B) one-half shall be allocated among those eligible States so that each such State receives an amount bearing the same ratio to the total amount allocated under that subparagraph for the fiscal year as the number of vessels numbered in that State under a system approved under chapter 123 of this title bears to the total number of vessels numbered under approved systems of all States receiving an allocation under that subparagraph for the fiscal year.";

(3) in subsection (b) (as so redesignated) in the matter preceding paragraph (1) by inserting "the balance of remaining" after "allocate"; and

(4) by adding at the end the following new subsection:

"(e) A State shall not be ineligible for an allocation under subsection (a) because of the adoption by the State of any requirement relating to the operation of a recreational vessel while under the influence of alcohol or drugs that is more stringent than the requirements for receiving the allocation.".

SEC. 504. MARINE CASUALTY REPORTING.

(a) SUBMISSION OF PLAN.—Not later than one year after enactment of this Act, the Secretary of Transportation shall, in consultation with appropriate State agencies, submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to increase reporting of vessel accidents to appropriate State law enforcement officials.

(b) PENALTIES FOR VIOLATING REPORTING REQUIREMENTS.—Section 6103(a) of title 46, United States Code, is amended by inserting "or 6102" after "6101" the second place it appears.

SEC. 505. REQUIRING VIOLATORS TO TAKE RECREATIONAL BOATING SAFETY COURSE.

(a) NEGLIGENT OPERATION.—Section 2302 of title 46, United States Code, is amended by adding at the end the following:

"(e) An individual operating a recreational vessel in violation of this section shall complete a boating safety course approved by the Secretary.".

(b) OTHER VIOLATIONS.—Section 4311 of title 46, United States Code, is amended by adding at the end the following:

"(h) A person who operates a recreational vessel in violation of this chapter or a regulation prescribed under this chapter may be ordered to complete a recreational boating safety course approved by the Secretary.".

SEC. 506. TECHNICAL CORRECTIONS.

Section 13108(a)(1) of title 46, United States Code, is amended by—

(1) striking "proceeding" and inserting "preceding"; and

(2) striking "Secertary" and inserting "Secretary".

TITLE VI—TOWING VESSEL NAVIGATIONAL SAFETY

SEC. 601. SHORT TITLE.

This title may be cited as the "Towing Vessel Navigational Safety Act of 1994".

SEC. 602. MINIMUM NAVIGATIONAL SAFETY EQUIPMENT FOR TOWING VESSELS.

(a) IN GENERAL.—Section 4102 of title 46, United States Code, is amended by adding at the end the following:

"(f)(1) In prescribing regulations for towing vessels, the Secretary shall—

"(A) consider the characteristics, methods of operation, and nature of the service of towing vessels;

"(B) consult with the Towing Safety Advisory Committee; and

"(C) require, to the extent appropriate, the installation, maintenance, and use of and familiarity with the following equipment on each towing vessel, other than a towing vessel that is used only for towing disabled vessels:

"(i) A radar system.

"(ii) An electronic position-fixing device.

"(iii) A sonic depth finder.

"(iv) A compass or swing meter.

"(v) Adequate towing wire and associated equipment.

"(vi) Up-to-date navigational charts and publications for the areas normally transited by the vessel.

"(vii) Other safety equipment the Secretary determines to be necessary.

"(2) The Secretary shall establish in regulations under this chapter requirements that—

"(A) any equipment required on a towing vessel under paragraph (1) shall be maintained in effective operating condition; and

"(B) if such equipment on a vessel ceases to operate, the master of the vessel shall exercise due diligence to restore the equipment to effective operating condition, or cause it to be restored to that condition, at the earliest practicable date.".

(b) REGULATIONS.—The Secretary of Transportation shall issue regulations by not later than 12 months after the date of the enactment of this Act, prescribing navigational publication and equipment requirements under subsection (f) of section 4102 of title 46, United States Code, as added by subsection (a) of this section.

SEC. 603. REPORTING MARINE CASUALTIES.

(a) EXPEDITED REPORTING REQUIRED.—Section 6101(b) of title 46, United States Code, is amended by striking "within 5 days" and inserting "by as soon as practicable, but in no case later than within 5 days,".

(b) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States Code is amended by striking "$1,000" and inserting "not more than $25,000".

SEC. 604. REPORT ON FEASIBILITY OF ESTABLISHING A DIFFERENTIAL GLOBAL POSITIONING SATELLITE NAVIGATION SYSTEM AND ELECTRONIC CHARTS FOR INLAND WATERWAYS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Congress on the feasibility of establishing a differential global positioning satellite navigation system and creating electronic charts for the inland waterways of the United States.

SEC. 605. PROTECTION OF SEAMEN AGAINST DISCRIMINATION.

Section 2114 of title 46, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel may not discharge, temporarily remove, or in any manner discriminate against a seaman because the seaman—

"(1) in good faith has reported or is about to report to the Coast Guard that the seaman believes that a violation of this subtitle, or a regulation issued under this subtitle, has occurred; or

"(2) refuses to violate this subtitle or a regulation issued under this subtitle."; and

(2) in subsection (b)—

(A) in paragraph (1) by striking "and" after the semicolon;

(B) in paragraph (2) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) an award of cost and reasonable attorney's fees to the prevailing plaintiff.".

SEC. 606. MANNING AND LICENSING REQUIREMENTS FOR TOWING VESSELS.

(a) MANNING REQUIREMENTS.—Section 8904 of title 46, United States Code, is amended by adding at the end the following:

"(c) A towing vessel, other than a vessel referred to in subsection (b), shall—

"(1) while being operated, have on board an individual licensed by the Secretary as a master of that type of towing vessel; and

"(2) be operated by an individual licensed by the Secretary to operate that type of towing vessel.".

(b) REGULATIONS ESTABLISHING LICENSES FOR MASTERS AND OPERATORS.—Section 7101 of title 46, United States Code, is amended by adding at the end the following:

"(j)(1) The Secretary shall prescribe regulations which establish licenses for masters and mates of towing vessels.

"(2) Regulations under this subsection shall provide that an individual may be issued a license as a master or mate of a towing vessel only if the individual—

"(A) demonstrates proficiency in the use of the equipment required pursuant to section 4102(f)(1)(C) of this title; and

"(B) demonstrates proficiency in operating a towing vessel.

"(3) Regulations under this subsection may establish standards and procedures under which the Secretary may delegate, to individuals who have experience in the operation of towing vessels and to other qualified persons, the authority to conduct examinations required for the issuance of a license as a master or mate of a towing vessel.".

(c) EXISTING UNINSPECTED TOWING VESSEL OPERATOR LICENSE HOLDERS.—An uninspected towing vessel operator license that is valid on the date of enactment of this Act shall be valid as a master or mate license required by section 8904 of title 46, United States Code, as amended by this section, until otherwise required to be renewed. The Secretary shall require that an individual applying for a first renewal of such a license as a master or mate license under that section demonstrate proficiency under the requirements of section 7101(j) of title 46, United States Code, as added by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

(e) DEADLINE FOR REGULATIONS.—The Secretary of the department in which the Coast Guard is operating shall issue regulations under the amendments made by this section by not later than 1 year after the date of the enactment of this Act.

SEC. 607. CIVIL PENALTIES.

(a) PROHIBITED OPERATION OF UNINSPECTED TOWING VESSEL, GENERALLY.—Section 4106 of title 46, United States Code, is amended by striking "$5,000" and inserting "$25,000".

(b) OPERATION OF UNINSPECTED TOWING VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking "$1,000" and inserting "not more than $25,000".

SEC. 608. MODEL TOWING VESSEL COMPANY INSPECTION PROGRAM.

Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with the Towing Safety Advisory Committee, shall—

(1) develop a model towing vessel company inspection program, including a Coast Guard boarding program to determine compliance with the model program; and

(2) submit to the Congress for its approval the model program and a description of the statutory changes necessary to implement the model program.

SEC. 609. MERCHANT MARINERS' DOCUMENTS REQUIRED.

(a) REQUIREMENT.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking "100" and inserting "5";

(2) in paragraph (1), by striking "a vessel operating only on rivers and lakes (except the Great Lakes);" and inserting "a small passenger vessel, or an uninspected passenger vessel;";

(3) by striking paragraph (2), and redesignating the subsequent paragraphs accordingly; and

(4) in paragraph (6) (as so redesignated) by striking "clause (6)" and inserting "paragraph (5)".

(b) EXCEPTIONS.—Section 8701(b) of title 46, United States Code, is amended—

(1) by striking "A person" and inserting "(1) Except as provided in paragraph (2), a person"; and

(2) by adding at the end the following:

"(2) The Secretary shall prescribe regulations which exempt from paragraph (1)—

"(A) engagement or employment of an individual in any position, on a passenger vessel, that is not listed in the Certificate of Inspection for the vessel;

"(B) engagement or employment of an individual in any position, on a vessel of a type to which this section did not apply on the day before the date of enactment of the Towing Vessel Navigational Safety Act of 1994, for which the individual is required to hold a license issued by the Secretary under this title; and

"(C) service by an individual in a position described in subparagraph (A) or (B).".

(c) USER FEE EXEMPTION AND PRIVACY OF INFORMATION.—

(1) USER FEE EXEMPTION.—The Secretary of Transportation may not collect a fee or charge under section 2110 of title 46, United States Code, for any service related to a merchant mariner's document required to be obtained under this title.

(2) PRIVACY OF INFORMATION.—The Secretary of Transportation may not make available to a member of the public any personal information concerning an individual required to obtain a merchant mariner's document under this title.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

TITLE VII—COAST GUARD REGULATORY REFORM

SEC. 701. SHORT TITLE.

This title may be cited as the "Coast Guard Regulatory Reform Act of 1994".

SEC. 702. SAFETY MANAGEMENT.

(a) MANAGEMENT OF VESSELS.—Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

"CHAPTER 32—MANAGEMENT OF VESSELS

"Sec.
"3201. Definitions.
"3202. Application.
"3203. Safety management system.
"3204. Implementation of safety management system.
"3205. Certification.

"§ 3201. Definitions

"In this chapter—

"(1) 'International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

"(2) 'responsible person' means—

"(A) the owner of a vessel to which this chapter applies; or

"(B) any other person that has—

"(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

"(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter.

"(3) 'vessel engaged on a foreign voyage' means a vessel to which this chapter applies—

"(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

"(B) making a voyage between places outside the United States; or

"(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

"§ 3202. Application

"(a) MANDATORY APPLICATION.—This chapter applies to the following vessels engaged on a foreign voyage:

"(1) Beginning July 1, 1998—

"(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

"(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

"(2) Beginning July 1, 2002, a freight vessel and a mobile offshore drilling unit of at least 500 gross tons.

"(b) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

"(c) EXCEPTION.—Except as provided in subsection (b) of this section, this chapter does not apply to—

"(1) a barge;

"(2) a recreational vessel not engaged in commercial service;

"(3) a fishing vessel;

"(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

"(5) a public vessel.

"§ 3203. Safety management systems

"(a) IN GENERAL.—The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including—

"(1) a safety and environmental protection policy;

"(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

"(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

"(4) procedures for reporting accidents and nonconformities with this chapter;

"(5) procedures for preparing for and responding to emergency situations; and

"(6) procedures for internal audits and management reviews of the system.

"(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

"§ 3204. Implementation of safety management system

"(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

"(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

"(c) PROHIBITION ON VESSEL OPERATION.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

"§ 3205. Certification

"(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

"(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

"(c) VERIFICATION OF COMPLIANCE.—The Secretary shall—

"(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

"(2) revoke the Secretary's approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

"(d) ENFORCEMENT.—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 31 the following:

"32. Management of vessels ..... 3201".

(c) STUDY.—

(1) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a); or

(B) the date that is 1 year after the date of enactment of this Act.

SEC. 703. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

(a) REPORTS, DOCUMENTS, AND RECORDS.—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

"§ 3103. Use of reports, documents, and records

"The Secretary may rely, as evidence of compliance with this subtitle, on—

"(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

"(2) other methods the Secretary has determined to be reliable.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

"3103. Use of reports, documents, and records.".

(c) EXAMINATIONS.—Section 3308 of title 46, United States Code, is amended by inserting "or have examined" after "examine".

SEC. 704. EQUIPMENT APPROVAL.

(a) IN GENERAL.—Section 3306(b) of title 46, United States Code, is amended to read as follows:

"(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

"(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

"(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

"(B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and

"(C) for lifesaving equipment, the foreign government—

"(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

"(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.".

(b) FOREIGN APPROVALS.—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

(c) TECHNICAL AMENDMENT.—Section 3306(a)(4) of title 46, United States Code, is amended by striking "clauses (1)–(3)" and inserting "paragraphs (1), (2), and (3)".

SEC. 705. FREQUENCY OF INSPECTION.

(a) FREQUENCY OF INSPECTION, GENERALLY.—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "nautical school vessel" and inserting ", nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage"; and

(B) by adding "and" after the semicolon at the end;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking "2 years" and inserting "5 years".

(b) CONFORMING AMENDMENT.—Section 3710(b) of title 46, United States Code, is amended by striking "24 months" and inserting "5 years".

SEC. 706. CERTIFICATE OF INSPECTION.

Section 3309(c) of title 46, United States Code, is amended by striking "(but not more than 60 days)".

SEC. 707. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

(a) AUTHORITY TO DELEGATE.—Section 3316 of title 46, United States Code, is amended—

(1) by striking subsections (a) and (d);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b), as so redesignated, by—

(A) redesignating paragraph (2) as paragraph (3); and

(B) striking so much of the subsection as precedes paragraph (3), as so redesignated, and inserting the following:

"(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

"(A) review and approve plans required for issuing a certificate of inspection required by this part;

"(B) conduct inspections and examinations; and

"(C) issue a certificate of inspection required by this part and other related documents.

"(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

"(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

"(B) if the foreign classification society has offices and maintains records in the United States.".

(b) CONFORMING AMENDMENTS.—(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

"§ 3316. Classification societies".

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

"3316. Classification societies.".

SEC. 708. STUDY OF MARINE CASUALTY REPORTING REQUIREMENTS.

The Coast Guard shall, within 9 months after the effective date of this title, conduct a study of current regulatory requirements regarding the reporting of marine casualties under section 6101 of title 46, United States Code, to determine whether—

(1) marine casualties should be classified according to the seriousness of nonfatal casualties;

(2) further regulations pertaining to the necessity for alcohol and drug testing for each classification need to be proposed;

(3) the regulations may exclude certain non-serious casualties from the requirement that drug or alcohol testing be performed; and

(4) the reporting of certain marine casualties that may be classified as minor may be done on a quarterly basis.

TITLE VIII—UNITED STATES CRUISE VESSEL DEVELOPMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "United States Cruise Vessel Development Act".

SEC. 802. PURPOSE.

The purpose of this title is to promote construction and operation of United States flag cruise vessels in the United States.

SEC. 803. COASTWISE TRANSPORTATION OF PASSENGERS.

Section 8 of the Act entitled "An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes", approved June 19, 1886 (46 App. U.S.C. 289), is amended to read as follows:

"SEC. 8. COASTWISE TRANSPORTATION OF PASSENGERS.

"(a) IN GENERAL.—Except as otherwise provided by law, a vessel may transport passengers in coastwise trade only if—

"(1) the vessel is owned by a person that is—

"(A) an individual who is a citizen of the United States; or

"(B) a corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916;

"(2) the vessel meets the requirements of section 27 of the Merchant Marine Act, 1920; and

"(3) for a vessel that is at least 5 net tons, the vessel is issued a certificate of documentation under chapter 121 of title 46, United States Code, with a coastwise endorsement.

"(b) EXCEPTION FOR VESSEL UNDER DEMISE CHARTER.—

"(1) IN GENERAL.—Subsection (a)(1) does not apply to a cruise vessel operating under a demise charter that—

"(A) has a term of at least 18 months; and

"(B) is to a person described in subsection (a)(1).

"(2) EXTENSION OF PERIOD FOR OPERATION.—A cruise vessel authorized to operate in coastwise trade under paragraph (1) based on a demise charter described in paragraph (1) may operate in that coastwise trade during a period following the termination of the charter of not more than 6 months, if the operation—

"(A) is approved by the Secretary; and

"(B) in accordance with such terms as may be prescribed by the Secretary for that approval.

"(c) EXCEPTION FOR VESSEL TO BE REFLAGGED.—

"(1) EXCEPTION.—Subsection (a)(2) and section 12106(a)(2)(A) of title 46, United States Code, do not apply to a cruise vessel if—

"(A) the vessel—

"(i) is not documented under chapter 121 of title 46, United States Code, on the date of enactment of the United States Cruise Vessel Development Act; and

"(ii) is not less than 5 years old and not more than 15 years old on the first date that the vessel is documented under that chapter after that date of enactment; and

"(B) the owner or charterer of the vessel has entered into a contract for the construction in the United States of another cruise vessel that has a total berth or stateroom capacity that is at least 80 percent of the capacity of the cruise vessel.

"(2) TERMINATION OF AUTHORITY TO OPERATE.—Paragraph (1) does not apply to a vessel after the date that is 18 months after the date on which a certificate of documentation with a coastwise endorsement is first issued for the vessel after the date of enactment of the United States Cruise Vessel Development Act if, before the end of that 18-month period, the keel of another vessel has not been laid, or another vessel is not at a similar stage of construction, under a contract required for the vessel under paragraph (1)(B).

"(3) EXTENSION OF PERIOD BEFORE TERMINATION.—The Secretary of Transportation may extend the period under paragraph (2) for not more than 6 months for good cause shown.

"(d) LIMITATION ON OPERATIONS.—A person (including a related person with respect to that person) that owns or charters a cruise vessel operating in coastwise trade under subsection (b) or (c) under a coastwise endorsement may not operate any vessel between—

"(1) any 2 ports served by another cruise vessel that transports passengers in coastwise trade under subsection (a) on the date the Secretary issues the coastwise endorsement; or

"(2) the islands of Hawaii.

"(e) PENALTIES.—

"(1) CIVIL PENALTY.—A person operating a vessel in violation of this section is liable to the United States Government for a civil penalty of $1,000 for each passenger transported in violation of this section.

"(2) FORFEITURE.—A vessel operated in knowing violation of this section, and its equipment, are liable to seizure by and forfeiture to the United States Government.

"(3) DISQUALIFICATION FROM COASTWISE TRADE.—A person that is required to enter into a construction contract under subsection (c)(1)(B) with respect to a cruise vessel (including any related person with respect to that person) may not own or operate any vessel in coastwise trade after the period applicable under subsection (c)(2) with respect to the cruise vessel, if before the end of that period a keel is not laid and a similar stage of construction is not reached under such a contract.

"(f) DEFINITIONS.—In this section—

"(1) the term 'coastwise trade' includes transportation of a passenger between points in the United States, either directly or by way of a foreign port;

"(2) the term 'cruise vessel' means a vessel that—

"(A) is at least 10,000 gross tons (as measured under chapter 143 of title 46, United States Code);

"(B) has berth or stateroom accommodations for at least 200 passengers; and

"(C) is not a ferry; and

"(3) the term 'related person' means, with respect to a person—

"(A) a holding company, subsidiary, affiliate, or association of the person; and

"(B) an officer, director, or agent of the person or of an entity referred to in subparagraph (A).".

SEC. 804. CONSTRUCTION STANDARDS.

Section 3309 of title 46, United States Code, is amended by adding at the end the following:

"(d)(1) A vessel described in paragraph (3) is deemed to comply with parts B and C of this subtitle.

"(2) The Secretary shall issue a certificate of inspection under subsection (a) to a vessel described in paragraph (3).

"(3) A vessel is described in this paragraph if—

"(A) it meets the standards and conditions for the issuance of a control verification certificate to a foreign vessel embarking passengers in the United States;

"(B) a coastwise endorsement is issued for the vessel under section 12106 of this title after the date of enactment of the United States Cruise Vessel Development Act; and

"(C) the vessel is authorized to engage in coastwise trade by reason of section 8(c) of the Act entitled 'An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes', approved of June 19, 1886.".

SEC. 805. CITIZENSHIP FOR PURPOSES OF DOCUMENTATION.

Section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802), is amended—

(1) in subsection (a) by inserting "other than primarily in the transport of passengers," after "the coastwise trade"; and

(2) by adding at the end the following:

"(e) For purposes of determining citizenship under subsection (a) with respect to operation of a vessel primarily in the transport of passengers in coastwise trade, the controlling interest in a partnership or association that owns the vessel shall not be deemed to be owned by citizens of the United States unless a majority interest in the partnership or association is owned by citizens of the United States free from any trust or fiduciary obligation in favor of any person that is not a citizen of the United States.".

SEC. 806. AMENDMENT TO TITLE XI OF THE MERCHANT MARINE ACT, 1936.

Section 1101(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271(b)) is amended by striking "passenger cargo" and inserting "passenger, cargo,".

SEC. 807. PERMITS FOR VESSELS ENTERING UNITS OF NATIONAL PARK SYSTEM.

(a) PRIORITY.—Notwithstanding any other provision of law, the Secretary of the Interior may not permit a person to operate a vessel in any unit of the National Park System except in accordance with the following priority:

(1) First, any person that—

(A) will operate a vessel that is documented under the laws of, and the home port of which is located in, the United States; or

(B) holds rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(A)).

(2) Second, any person that will operate a vessel that—

(A) is documented under the laws of a foreign country, and

(B) on the date of the enactment of this Act is permitted to be operated by the person in the unit.

(3) Third, any person that will operate a vessel other than a vessel described in paragraph (1) or (2).

(b) REVOCATION OF PERMITS FOR FOREIGN-DOCUMENTED VESSELS.—The Secretary of the Interior shall revoke or refuse to renew permission granted by the Secretary for the operation of a vessel documented under the laws of a foreign country in a unit of the National Park System, if—

(1) a person requests permission to operate a vessel documented under the laws of the United States in that unit; and

(2) the permission may not be granted because of a limit on the number of permits that may be issued for that operation.

(c) RESTRICTIONS ON REVOCATION OF PERMITS.—The Secretary of the Interior may not revoke or refuse to renew permission under subsection (b) for any person holding rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(a)).

(d) RETURN OF PERMITS.—Any person whose permission to provide visitors services in a

unit of the National Park System has been revoked or not renewed under subsection (b) shall have the right of first refusal to a permit to provide visitors services in that unit of the National Park System that becomes available when the conditions described in subsection (b) no longer apply. Such right shall be limited to the number of permits which are revoked or not renewed.

TITLE IX—BOATING IMPROVEMENT

SEC. 901. SHORT TITLE.

This title may be cited as the "Boating Improvement Act of 1994".

SEC. 902. BOATING SAFETY GRANTS.

(a) TRANSFER OF AMOUNTS FOR STATE BOATING SAFETY PROGRAMS.—

(1) TRANSFERS.—Section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), is amended to read as follows:

"(b)(1) Of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $15,000,000 for fiscal year 1995, $40,000,000 for fiscal year 1996, $55,000,000 for fiscal year 1997, and $69,000,000 for each of fiscal years 1998 and 1999, shall, subject to paragraph (2), be used as follows:

"(A) A sum equal to $7,500,000 of the amount available for fiscal year 1995, and a sum equal to $10,000,000 of the amount available for each of fiscal years 1996 and 1997, shall be available for use by the Secretary of the Interior for grants under section 5604(c) of the Clean Vessel Act of 1992. Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(B) A sum equal to $7,500,000 of the amount available for fiscal year 1995, $30,000,000 of the amount available for fiscal year 1996, $45,000,000 of the amount available for fiscal year 1997, and $59,000,000 of the amount available for each of fiscal years 1998 and 1999, shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(C) A sum equal to $10,000,000 of the amount available for each of fiscal years 1998 and 1999 shall be available for use by the Secretary of the Interior for—

"(i) grants under section 903(e) of the Boating Improvement Act of 1994; and

"(ii) grants under section 5604(c) of the Clean Vessel Act of 1992.

Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(2)(A) Beginning with fiscal year 1996, the amount transferred under paragraph (1)(B) for a fiscal year shall be reduced by the lesser of—

"(i) the amount appropriated to the Secretary of Transportation for that fiscal year to carry out the purposes of section 13106 of title 46, United States Code, from the Boat Safety Account in the Aquatic Resources Trust Fund established under section 9504 of the Internal Revenue Code of 1986; or

"(ii) $35,000,000; or

"(iii) for fiscal year 1996 only, $30,000,000.

"(B) The amount of any reduction under subparagraph (A) shall be apportioned among the several States under subsection (d) by the Secretary of the Interior.".

(2) CONFORMING AMENDMENT.—Section 5604(c)(1) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) is amended by striking "section 4(b)(2) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(2), as amended by this Act)" and inserting "section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1))".

(3) LIMITATION ON OTHER DISTRIBUTION.—Notwithstanding any other law, the amount distributed under section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), in fiscal year 1996 may not exceed $50,000,000.

(b) EXPENDITURE OF AMOUNTS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.—Section 13106 of title 46, United States Code, is amended—

(1) in subsection (a)(1) by striking the first sentence and inserting the following: "Subject to paragraph (2), the Secretary shall expend under contracts with States under this chapter in each fiscal year for State recreational boating safety programs an amount equal to the sum of the amount appropriated from the Boat Safety Account for that fiscal year plus the amount transferred to the Secretary under section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1)) for that fiscal year."; and

(2) by amending subsection (c) to read as follows:

"(c) For expenditure under this chapter for State recreational boating safety programs there are authorized to be appropriated to the Secretary of Transportation from the Boat Safety Account established under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)) not more than $35,000,000 each fiscal year.".

SEC. 903. BOATING ACCESS.

(a) FINDINGS.—The Congress makes the following findings:

(1) Nontrailerable recreational motorboats contribute 15 percent of the gasoline taxes deposited in the Aquatic Resources Trust Fund while constituting less than 5 percent of the recreational vessels in the United States.

(2) The majority of recreational vessel access facilities constructed with Aquatic Resources Trust Fund moneys benefit trailerable recreational vessels.

(3) More Aquatic Resources Trust Fund moneys should be spent on recreational vessel access facilities that benefit recreational vessels that are nontrailerable vessels.

(b) PURPOSE.—The purpose of this section is to provide funds to States for the development of public facilities for transient nontrailerable vessels.

(c) SURVEY.—Within 18 months after the date of the enactment of this Act, any State may complete and submit to the Secretary of the Interior a survey which identifies—

(1) the number and location in the State of all public facilities for transient nontrailerable vessels; and

(2) the number and areas of operation in the State of all nontrailerable vessels that operate on navigable waters in the State.

(d) PLAN.—Within 6 months after submitting a survey to the Secretary of the Interior in accordance with subsection (c), a State may develop and submit to the Secretary of the Interior a plan for the construction and renovation of public facilities for transient nontrailerable vessels to meet the needs of nontrailerable vessels operating on navigable waters in the State.

(e) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior may obligate not less than ½ of the amount made available for each of fiscal years 1998 and 1999 under section 4(b)(1)(C) of the Act of August 9, 1950, as amended by section 902(a)(1) of this title, to make grants to any State to pay not more than 75 percent of the cost of constructing or renovating public facilities for transient nontrailerable vessels.

(2) PRIORITIES.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary of the Interior shall give priority to projects that consist of the construction or renovation of public facilities for transient nontrailerable vessels in accordance with a plan submitted by a State submitted under subsection (b).

(B) WITHIN STATE.—In awarding grants under this subsection for projects in a particular State, the Secretary of the Interior shall give priority to projects that are likely to serve the greatest number of nontrailerable vessels.

SEC. 904. DEFINITIONS.

For the purpose of this title the term—

(1) "Act of August 9, 1950" means the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes", approved August 9, 1950 (16 U.S.C. 777a et seq.);

(2) "nontrailerable vessel" means a recreational vessel greater than 26 feet in length;

(3) "public facilities for transient nontrailerable vessels" means mooring buoys, day-docks, seasonal slips or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable vessels;

(4) "recreational vessel" means a vessel—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure; and

(5) "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

TITLE X—DOCUMENTATION OF VESSELS

SEC. 1001. AUTHORIZATION OF DOCUMENTATION FOR VARIOUS VESSELS.

(a) IN GENERAL.—Nowithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), the Act of May 28, 1906 (46 App. U.S.C. 292), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsements for the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) ABORIGINAL (United States official number 942118).

(2) ALPHA TANGO (United States official number 945782).

(3) ANNAPOLIS (United States official number 999008).

(4) ARTHUR ATKINSON (former United States official number 214656).

(5) ATTITUDE (North Carolina registration number NC3607AN).

(6) BIG DAD (United States official number 565022).

(7) BROKEN PROMISE (United States official number 904435).

(8) CHESAPEAKE (United States official number 999010).

(9) CHRISSY (Maine registration number ME4778B).

(10) CONSORT (United States official number 999005).

(11) CURTIS BAY (United States official number 999007).

(12) EAGLE MAR (United States official number 575349).

(13) ENDEAVOR (United States official number 947869).

(14) FIFTY ONE (United States official number 1020419).

(15) FIREBIRD (United States official number 253656).

(16) GIBRALTAR (United States official number 668634).

(17) HAMPTON ROADS (United States official number 999009).

(18) ISABELLE (United States official number 600655).

(19) JAMESTOWN (United States official number 999006).

(20) JOAN MARIE (North Carolina official number NC2319AV).

(21) KLIPPER (New York registration number NY8166AN).

(22) L.R. BEATTIE (United States official number 904161).

(23) LADY ANGELA (United States official number 933045).

(24) LADY HAWK (United States official number 961095).

(25) LADY HELEN (United States official number 527746).

(26) MANDIRAN (United States official number 939915).

(27) MEMORY MAKER (Maryland registration number MD8867AW, hull number 3151059).

(28) OLD HAT (United States official number 508299).

(29) ORCA (United States official number 504279).

(30) REEL TOY (United States official number 698383).

(31) RENDEZVOUS (United States official number 924140).

(32) SALLIE D (Maryland registration number MD2655A).

(33) SEAHAWK (United States official number 673537).

(34) SEAHAWK III (United States official number 996375).

(35) SEA MISTRESS (United States official number 696806).

(36) SHAMROCK V (United States official number 900936).

(37) SILENT WINGS (United States official number 969182).

(38) SPIRIT OF THE PACIFIC NORTHWEST (Bahamian official number 725338).

(39) SUNSHINE (United States official number 974320).

(40) TECUMSEH (United States official number 668633).

(41) VIKING (former United States official number 224430).

(42) WOLF GANG II (United States official number 984934).

(43) A hopper barge owned by Foley & Foley Marine Contractors, Inc. (United States official number 264959).

(44) Each of 2 Barges owned by Roen Salvage Co., numbered 103 and 203.

(45) Each of 3 spud barges owned by Dan's Excavating, Inc., as follows:

(A) Spud barge 102 (United States official number 1021958).

(B) Spud barge 103 (United States official number 1021960).

(C) Spud barge 968 (United States official number 1021959).

(46) Each of 3 barges owned by Harbor Marine Corporation of Rhode Island, as follows:

(A) HARBOR 223 (approximately 110 feet in length).

(B) GENE ELIZABETH (approximately 200 feet in length).

(C) HARBOR 221 (approximately 90 feet in length).

(47) SMALLEY 6808 Amphibious Dredge (Florida registration number FL1855FF).

SEC. 1002. AUTHORIZATION OF DOCUMENTATION FOR THE ATLANTIS III.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate a coastwise endorsement for employment in the coastwise trade in Alaska during the period beginning May 1, 1995, and ending October 31, 1996, for the vessel ATLANTIS III (Canadian official number CG006455).

SEC. 1003. AUTHORIZATION OF SALE AND REREGISTRATION.

Notwithstanding any other law or agreement with the United States Government, the vessels SS LAKE CHARLES (United States official number 619531) and SS LOUISIANA (United States official number 619532) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry if an application to authorize payment of operating-differential subsidy to the vessels is not approved by December 15, 1994.

SEC. 1004. VESSEL DOCUMENTATION FOR CHARITY CRUISES.

(a) AUTHORITY TO DOCUMENT VESSELS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the vessels—

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length); and

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue any certificate of documentation under paragraph (1) unless the owner of the vessel referred to in paragraph (1)(A) (in this section referred to as the "owner"), within 90 days after the date of enactment of this Act, submits to the Secretary a letter expressing the intent of the owner to enter into a contract before October 1, 1996, for construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A Certificate of documentation issued under paragraph (1)—

(A) for the vessel referred to in paragraph (1)(A), shall take effect on the date of issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), shall take effect on the date of delivery of the vessel to the owner.

(b) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under subsection (a)(1) shall expire—

(1) on the date of the sale of the vessel by the owner;

(2) on October 1, 1996, if the owner has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under subsection (a)(3); and

(3) on any date on which such a contract is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner.

SEC. 1005. EXTENSION OF DEADLINE FOR THE M/V TWIN DRILL.

Section 601(d) of P.L. 103-206 is amended by striking "June 30" in subpart (3) and inserting "December 31" and by striking "12" in subpart (4) and inserting "18".

Mr. STUDDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc, considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. STUDDS. Mr. Chairman, I offer this amendment on behalf of the leadership of the Committee on Merchant Marine and Fisheries.

The Studds-Fields-Tauzin-Coble amendment embodies the committee's work over the past year on maritime safety and regulatory reform. I am very proud of these efforts, which, through this bill and amendment, continue to demonstrate our bipartisan modus operandi.

While I will be submitting a detailed section-by-section analysis of this amendment for the record, I want to highlight a few of the more important provisions of the leadership amendment.

Our amendment adds a new title V to the bill which incorporates the text of H.R. 3786, the Recreational Boating Safety Improvement Act of 1994, as passed by the House on March 21, 1994. It institutes important new lifesaving protections for children and other passengers on recreational boats, and is supported by the States, the industry, and recreational boaters.

Title VI is the text of H.R. 3282, the Towing Vessel Navigational Safety Act of 1994, as passed by the Committee on Merchant Marine and Fisheries yesterday. This issue comes before the House on the 1-year anniversary of the tragic Amtrak accident in Mobile, AL. That accident, which resulted in the deaths of 47 citizens, was caused by the collision of an uninspected, ill-equipped, and poorly operated towing vessel with a railroad bridge.

We have learned a lot about the towing vessel industry since that accident. We have had hearings, the Coast Guard has issued several reports, and the National Transportation Safety Board has made its recommendations for change. The consensus is that navigational safety equipment aboard these vessels must be greatly improved and the training and licensing of operators greatly enhanced. The amendment remedies both problems by requiring

new equipment for towing vessels, upgraded licenses for masters and pilots of towing vessels, Coast Guard documents for all unlicensed personnel, and the development of a model company inspection program for certain types of towing vessels.

The adoption of these new requirements will ensure greater safety for the users of our waterways and for those who live and work along their shores.

Title VII adds the text of H.R. 4959, the Coast Guard Regulatory Reform Act of 1994, which the Committee on Merchant Marine and Fisheries also approved yesterday. This title reflects the joint effort of the Coast Guard and the maritime industry to ensure that we do not impose on the U.S. industry any unnecessary or obsolete requirements that could keep it from being competitive. I am confident that the bill accomplishes this objective without sacrificing U.S. safety standards or changing the requirements of any U.S. environmental law.

This provision is one element of our comprehensive program to reform and revitalize the U.S. maritime industry. Its passage today may prove inspirational to the Senate which we fervently hope will soon return the favor and pass H.R. 4003, the Maritime Security and Competitiveness Act of 1994.

Title VIII is the text of H.R. 3821, the United States Passenger Vessel Development Act, which the Merchant Marine and Fisheries Committee ordered reported on August 11, 1994. This bill was jointly referred to the Committee on Natural Resources, and I appreciate the courtesy of Chairman MILLER in agreeing to be discharged from further consideration of this bill.

Much of the credit for this title goes to the gentlewoman from Washington [Mrs. UNSOELD], who, working with a coalition of interested parties, came up with this novel approach for attracting more cruise ship business into U.S. ports and stimulating shipbuilding in this country. Under the amendment, we will allow foreign-flag cruise ships to carry passengers between two U.S. ports, provided the owners of those ships have entered into a binding contract to build another vessel in a U.S. shipyard. As I say, this is a novel solution for a particularly vexing problem in the Pacific Northwest, and one that will benefit not only ports in that region, but also, hopefully, shipyards in mine.

Title IX is the Boating Improvement Act of 1994, H.R. 4477, which was approved by the Merchant Marine and Fisheries Committee on August 11, 1994. This title ensures that State boating safety programs will continue to receive their share of much needed Federal assistance. The Coast Guard did not submit a fiscal year 1995 budget request for this program solely because of budget scoring problems. The amendment fixes this problem by permanently allowing a transfer of funds from the Sport Fish Restoration Account to the State boating safety grant program. This portion of the amendment involves a jurisdictional matter with the Ways and Means Committee and I will include with this statement an exchange of letters between Acting Chairman GIBBONS and me.

Finally, the leadership amendment contains a number of waivers to the Jones Act which the committee has carefully reviewed and approved.

In conclusion, Mr. Chairman, I believe that passage of this amendment on this day, is a fitting memorial to the victims of that horrific tragedy 1 year ago. I urge Members to support the leadership amendment and H.R. 4422.

The section-by-section analysis of the Studds-Fields-Tauzin-Coble amendment follows:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 1994.

Hon. GERRY E. STUDDS,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I understand that you will be offering a floor amendment to H.R. 4422, the Coast Guard Authorization Act of 1994, that would include the text of H.R. 4477, the Boating Improvement Act of 1994. As reported by the Committee on Merchant Marine and Fisheries, H.R. 4477 would provide that certain amounts from the Sport Fish Account of the Aquatic Resources Trust Fund could be used for certain boat safety programs.

As you know, the Internal Revenue Code ("Code") contains provisions setting forth the purposes for which expenditures can be made out of the Sport Fish Account of the Aquatic Resources Trust Fund ("Trust Fund"). Although the Code allows expenditures for certain boat safety programs to be made from the Boat Safety Account of the Trust Fund, it does not allow such expenditures to be made from the Sport Fish Account. It is clear that the Committee on Ways and Means has jurisdiction over any measure that, like H.R. 4477, attempts to expand the purposes for which money can be spent out of the Code's Sport Fish Account of the Trust Fund.

Notwithstanding the jurisdictional interest of the Committee on Ways and Means, I do not plan to slow down the progress of the Coast Guard Authorization Act. However, the Committee on Ways and Means will address the necessary changes to the Code when possible to permit these expenditures. In the future, I hope that our two committees can work together on those matters over which we share jurisdiction.

I would appreciate your response to this letter, confirming the jurisdictional interest of the Committee on Ways and Means with respect to H.R. 4477.

Thank you.

Sincerely yours,

SAM M. GIBBONS,
Acting Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON MERCHANT MARINE AND FISHERIES, LONGWORTH HOUSE OFFICE BUILDING,
Washington, DC, September 22, 1994.

Hon. SAM GIBBONS,
Acting Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am in receipt of your letter this morning regarding the inclusion of the text of H.R. 4477, the Boating Improvement Act of 1994, in a committee leadership amendment to be offered to H.R. 4422, the Coast Guard Authorization Act of 1994.

As you point out, the Internal Revenue Code does not specifically authorize the expenditure of funds from the Sport Fish Account of the Aquatic Resources Trust Fund for boating safety, although it does allow expenditures for certain boat safety programs from the Fund's Boat Safety Account.

The intent of this amendment is to provide stable funding for the Coast Guard's highly successful state recreational boating safety grant program.

Clearly, any measure that would modify the purposes for which money may be spent out of the Internal Revenue Code's Sport Fish Account in one of direct jurisdictional interest to the Committee on Ways and Means. I appreciate your willingness to allow us to proceed with the amendment with the understanding that your committee will, when possible, address changes to the Code necessary to permit these expenditures. I share your interest in having our two committees work together on matters of mutual jurisdictional interest.

Again, thank you for your cooperation on this matter.

With kind regards.

Sincerely,

GERRY E. STUDDS,
Chairman.

SECTION-BY-SECTION ANALYSIS

Section 204. Marine Casualty Investigations

This amendment strikes the explicit authority for the Coast Guard to conduct informal marine casualty investigations. The Coast Guard conducts marine casualty investigations to determine the causal factors of accidents to prevent their recurrence. The Coast Guard currently conducts formal and informal marine casualty investigations. The Committee has decided that further review of the scope of informal marine casualty investigations is required before granting this authority to the Coast Guard.

Section 308. Response Exercise Program at Massachusetts Maritime Academy

This amendment strikes the direction to the Coast Guard to transfer $500,000 to the Massachusetts Maritime Academy to continue oil spill simulator activities. The transfer of money to complete the work authorized by Public Law 102-587 has been accomplished.

Section 311. Buy American Requirement for Surface Search Radar Systems

This amendment adds multibeam sonar to the Buy American provision for surface search radar. Multibeam sonar is a large bottom-mapping sonar used primarily by research vessels. Only large Coast Guard cutters, such as polar-class icebreakers, would be equipped with multibeam sonar. These instruments are very expensive and the world market is limited. Multibeam sonar does not include all the various smaller electronic depthfinders used on the majority of Coast Guard vessels. The amendment requires the

Coast Guard to "Buy American" provided the U.S. manufacturer offers a competitive price.

Section 312. Conveyance of Property

This amendment provides the correct metes and bounds, as determined by recent survey, of the Coast Guard property located in Traverse City, Michigan, which shall be conveyed to the Traverse City School District. This detailed description is necessary to clearly identify that portion of the Coast Guard's property that shall be transferred to the School District.

Section 419. Electronic Filing of Commercial Instruments

Section 419 clarifies that a bill of sale, conveyance, mortgage, assignment or other related instrument concerning a vessel may be filed with the Secretary of Transportation electronically, such as with a fax machine, under regulations prescribed by the Secretary. This amendment simply affirms a legal opinion by the Coast Guard that current law allows electronic filings to be made. With the adoption of this amendment, financial institutions issuing mortgages on U.S.-flag vessels for millions of dollars will not have to worry about a possible legal challenge to the status of a preferred mortgage based on the fact that it was filed electronically.

TITLE V—RECREATIONAL BOATING SAFETY

Section 501. Short Title

This section provides that this title may be referred to as the "Recreational Boating Safety Improvement Act of 1994".

Section 502. Personal Flotation Devices Required for Children

This section adds a new paragraph to 46 U.S.C. 4307(a) which makes it illegal to operate a recreational vessel under 26 feet in length unless each individual 12 years of age or younger wears a Coast Guard-approved personal flotation device PFD when the individual is on an open deck. The Committee intends that this requirement only apply to recreational vessels which are underway, not those that are tied to a dock, at anchor, or moored. Additionally, a new subsection is added to 46 U.S.C. 4307 that states that the prohibition on operating certain recreational vessels unless children 12 and younger wear PFDs shall not be construed to limit a state's authority to establish more stringent requirements for the wearing of PFDs on recreational vessels.

Section 503. Allocation of Funds Based on State Adoption of Laws Regarding Boating While Intoxicated

This section provides incentive funding to encourage states to adopt comprehensive boating while intoxicated (BWI) laws by FY1998. In FY1998, the Coast Guard's state boating safety grant program will receive an additional $14 million pursuant to the Boating Improvement Act of 1994. Section 503 restricts eligibility to $10 million of that additional funding to states that have adopted certain BWI laws.

This section also divides the $10 million into two pools of money. The first $5 million is only available to states that have passed laws establishing either a blood alcohol concentration limit of .10 percent or less, or have adopted a behavioral standard as evidence of intoxication. This money is allocated among the eligible states as follows: (1) one-half shall be allocated equally among all of the eligible states; and (2) one-half shall be allocated among the eligible states based on the ratio of numbered vessels in the state to the total amount of numbered vessels in all eligible states.

The second $5 million is to be distributed to states that have adopted laws that specify that individuals are deemed to have given their consent to a blood alcohol or other intoxicating substances test (so-called "implied consent laws"). Implied consent laws generally state that the refusal of an individual to submit to a test for intoxication, e.g., a breathalyzer or blood test, may be introduced in court as evidence of intoxication. This money is allocated among the eligible states in the same manner as the first $5 million.

Section 504. Marine Casualty Reporting

Subsection (a) of this section requires the Coast Guard to submit a plan to Congress to increase reporting of vessel accidents to appropriate state law enforcement officials. The lack of reliable information on boating accidents is a problem in evaluating the need for changes to the boating safety laws. The plan required by this section will help ensure that accident information received by boating officials is complete and accurate.

Subsection (b) amends section 6103(a) of title 46, United States Code, to establish a $1,000 civil penalty for an owner, charterer, managing operator, agent, master, or individual in charge of a vessel who has failed to submit a marine casualty report to state authorities as required under 46 U.S.C. 6102.

Section 505. Requiring Violators to Take Recreational Boating Safety Course

Subsection (a) requires an individual who operates a recreational vessel in violation of 46 U.S.C. 2302, i.e., an individual who operates a vessel under the influence of drugs or alcohol, or in a negligent manner, to complete a boating safety course that is approved by the Secretary of Transportation. Examples of actions which constitute negligent operation include: (1) operating a vessel in a swimming area; (2) operating a vessel while under the influence of drugs or alcohol; (3) excessive speed in the vicinity of other vessels or in dangerous waters; (4) hazardous water-skiing practices; and (5) bowriding. The Committee has received written testimony from several maritime trade associations describing reckless and dangerous behavior by recreational boaters including high speed wake jumping, failure to comply with the rules of the road, and reckless operation around vessels with restricted operating abilities, e.g., tugs and barges. The Committee anticipates that the Coast Guard will use the authority granted under this section to require recreational boaters engaged in these types of reckless activities to complete an approved recreational boating safety course.

Subsection (b) provides Coast Guard hearing officers with the authority to require individuals to complete boating safety courses in lieu of, or in addition to, a civil penalty where a person has been found to be in violation of a federal boating safety law. Violations which could trigger this requirement include: (1) an insufficient number of PFDs; (2) insufficient fire extinguishers; (3) overloading; (4) improper fuel tank or engine compartment ventilation; (5) fuel leakage or fuel in the bilges; (6) improper backfire flame control; and (7) manifestly unsafe voyages.

The Committee does not expect the Coast Guard to develop its own boating safety courses to meet the requirements of this section. Rather, it anticipates that the Secretary will certify appropriate existing boating safety courses, e.g., those taught by the Coast Guard Auxiliary, U.S. Power Squadrons, and the Red Cross, as courses that can fulfill this requirement.

Section 506. Technical Correction

This section corrects two typographical errors in section 13108(a)(1) of title 46, United States Code.

TITLE VI—TOWING VESSEL NAVIGATIONAL SAFETY

Section 601. Short Title

This section states that this title may be cited as the "Towing Vessel Navigation Safety Act of 1994".

Section 602. Minimum Navigational Safety Equipment for Towing Vessels

Subsection (a) amends section 4102 of title 46 by adding a new subsection (f) which directs the Secretary of the department in which the Coast Guard is operating to prescribe equipment requirements for towing vessels. To the extent appropriate, the Secretary shall require the installation, maintenance, use, and familiarity with the following equipment: (1) a radar system; (2) an electronic position-fixing device; (3) a sonic depth finder; (4) a compass or swing meter; (5) adequate towing wire and associated equipment; (6) up-to-date navigational charts and publications; and (7) other safety equipment the Secretary determines to be necessary. The Committee intends that the Secretary evaluate the appropriateness of requiring each of these types of equipment when developing regulations to implement this section. In developing these regulations, the Secretary should also: (1) consider the characteristics, methods of operation, and nature of service of towing vessels; and (2) consult with the Towing Safety Advisory Committee. These regulations shall not apply to towing vessels that are only used for towing disabled vessels.

This list of equipment is modeled after the minimum equipment requirements of self-propelled tank vessels (46 U.S.C. 3708). These new equipment requirements are intended to correct deficiencies highlighted by the MAUVILLA accident near Mobile, Alabama in 1993 (e.g., a lack of navigational charts, a compass, a depth finder, and electronic position-fixing equipment) and the MORRIS. J. BERMAN barge accident in Puerto Rico in 1994 (inadequate towing equipment).

Paragraph (2) of new subsection 4102(f) directs the Secretary to establish by regulation that equipment required on towing vessels under paragraph (1) shall be maintained in effective operating condition. The regulations should also require the operator of the vessel to exercise due diligence to restore the equipment to effective operating condition at the earliest practicable date.

Subsection (b) requires the Secretary of Transportation to issue regulations implementing this section within 12 months of the date of enactment.

Section 603. Reporting Marine Casualties

Subsection (a) amends section 6101(b) of title 46, United States Code, to require that marine casualties be reported as soon as practicable but in no case later than within five days. This provision is intended to deter delays in reporting casualties to the Coast Guard similar to the delay that occurred after the MAUVILLA accident.

Subsection (b) increases the penalty for not reporting a vessel casualty to the Coast Guard under section 6103(a) of title 46, United States Code, from $1,000 to $25,000. This penalty increase was recommended by the Coast Guard in its report entitled "Review of Marine Safety Issues Related to Uninspected Towing Vessels". Moreover, the Coast Guard is concerned that the inland tug and barge industry is grossly under-reporting casualties. Increasing the penalties for not reporting casualties should increase reporting.

Section 604. Report on Feasibility of Establishing a Differential Global Positioning Satellite Navigation System and Electronic Charts for Inland Waterways

This section directs the Secretary of Transportation to submit a report to Congress on the feasibility of establishing a differential global positioning satellite navigation system and creating electronic charts for the inland waterways of the United States no later than six months after the date of enactment of this Act.

Section 605. Protection of Seamen Against Discrimination

This section amends section 2114 of title 46 to provide that an owner, charterer, managing operator, agent, master, or individual in charge of a vessel may not discriminate against a seaman because the seaman refuses to violate Subtitle II of title 46, or a regulation issued under that Subtitle.

If the owner, or other named person, violates this section, the seaman has the right to bring an action in an appropriate United States District Court. The Court is authorized to enjoin the discrimination, and to order any other appropriate relief, including reinstatement to the seaman's former position, back pay, costs, and reasonable attorney's fees.

The term "seaman" is intended to be interpreted broadly to include any individual engaged or employed in any capacity on board a vessel owned by a citizen of the United States.

Under general maritime law, a seaman is an employee-at-will. As such, he or she may be terminated for any reason without the employer being held legally responsible. Courts have refused to recognize a judicial exception to the employee-at-will doctrine based on public policy for seaman discharged for refusing to violate safety regulations. Therefore, seamen who refuse to operate vessels in violation of safety laws and regulations may be discharged by their employers without recourse.

Under current law, a seaman's license or document, necessary for maritime employment, may be suspended or revoked if the holder has violated any law or regulation intended to promote marine safety or to protect navigable waters. It is not a defense for the seaman that he or she was following his or her employer's orders.

Limited "whistleblower" protection exists for seamen who report or are about to report safety violations to the Coast Guard (46 U.S.C. 2114). However, this protection is not available to seamen who refuse to violate a safety statute; rather it only applies after a safety violation has occurred, and then only if the seaman has reported or is about to report its occurrence to the Coast Guard.

Section 606. Manning and Licensing Requirements for Towing Vessels

Subsection (a) amends section 8904 of title 46, United States Code, by adding a new subsection (c) which establishes new manning and licensing requirements for towing vessels. First, all towing vessels while being operated, except those used only for towing disabled vessels, are required to have on board an individual licensed by the Secretary to serve as master of that type of towing vessel. The master of a towing vessel is intended to be the person in charge of the vessel. Second, new subsection (c) requires that all towing vessels be operated by an individual licensed by the Secretary to operate that type of towing vessel. This section is not intended to require a towing vessel to carry a master and a licensed operator. A person with a master license is authorized to operate a towing vessel.

Subsection (b) amends section 7101 of title 46, United States Code, by adding a new subsection (j) which directs the Secretary to prescribe regulations which establish licenses for masters and mates of towing vessels. An individual may be issued a license as a master or mate of a towing vessel only if the individual: (1) demonstrates proficiency in the use of the navigational safety equipment required pursuant to section 4102(f)(1)(C) of title 46; and (2) demonstrates proficiency in operating a towing vessel. It is anticipated that applicants for the master license will also be required to have significantly more experience in the towing industry than applicants for a mate license. The Committee notes that the term "mate" has a distinct connotation in the inland towing industry. On an inland towing vessel, a "mate" is the lead member of the deck crew, rather than a licensed vessel operator; the second most senior person is known as a "pilot". Therefore, the term "mate" is used in this section in a generic sense to mean any person who is licensed to operate a towing vessel, but not to be in charge.

The Committee believes that the distinct terminology used by the inland towing industry should be reflected by the Secretary in establishing new licenses under this section. To avoid unnecessary confusion within the towing industry, the Secretary should establish licenses for Master and Mate, Coastal Towing Vessel, and Master and Pilot, Inland Towing Vessels.

To assist the Secretary in examining the proficiency of individuals applying for towing vessel master and mate licenses, the Secretary is authorized to use individuals who have experience in the operation of towing vessels and other qualified third parties. It is anticipated that the Secretary will establish an examiner endorsement for persons holding towing vessel master licenses to serve as proficiency examiners.

Subsection (c) is intended to provide an orderly transition between the existing uninspected towing vessel operator licenses and the new master and mate licenses. First, a towing vessel operator license valid on the date of enactment of this Act is valid until it is required to be renewed. If an operator license is required to be renewed during the two-year period immediately after the date of enactment, it shall be renewed pursuant to the requirements of the existing uninspected towing vessel operator license. Individuals holding licenses requiring renewal more than two years after the date of enactment must meet the requirements of the new towing vessel master and mate licenses. Individuals applying for a first renewal or a new master or mate license after the date must demonstrate proficiency under the requirements of section 7101(j) of title 46, United States Code.

Subsection (d) states that the amendments made by this section shall take effect two years after the date of enactment of this Act.

Subsection (e) requires the Secretary to issue regulations implementing this section by not later than one year after the date of enactment of this Act.

Section 607. Civil Penalties

Subsection (a) increases the penalties contained in section 4106 of title 46, United States Code, from not more than $5,000 to not more than $25,000. Penalties may be assessed under section 4106 for violations of Chapter 41 of title 46, including failure to carry required lifesaving, firefighting, and navigational safety equipment.

Subsection (b) increases the penalties contained in section 8906 of title 46, United States Code, from $1,000 to not more than $25,000. Penalties may be assessed under section 8906 for violations of Chapter 89 of title 46, including operating a vessel without an appropriate license.

Section 608. Model Towing Vessel Company Inspection Program

This section directs the Secretary within 1 year and, in consultation with the Towing Safety Advisory Committee, to: (1) develop a model towing vessel company inspection program, including a Coast Guard boarding program to determine compliance with the model program; and (2) submit to Congress for its approval the model program and a description of the statutory changes necessary to implement it. This section is intended to implement the conclusion from the Coast Guard issued "Towing Vessel Inspection Study" that certain segments of the towing industry should fall under some type of inspection regime. In determining which types of towing vessels should be inspected under a model program, the Secretary should target those vessels that pose the greatest potential risk to life, property, and the environment. In making this assessment, however the Secretary should not limit his assessment to towing vessels that power inspected barges, because certain barges often carry hazardous chemicals in a form which does not require the barge to be inspected (e.g., 50 gallon drums). The Committee does not mean to suggest by this provision that the Coast Guard does not necessarily have the authority to implement a model company inspection program. Rather, before the Coast Guard may implement this particular program, Congress must first approve it.

Section 609. Merchant Mariners' Documents Required

Subsection (a) amends section 8701(a) of title 46, United States Code, by lowering the tonnage threshold for application of the merchant mariners' document requirement from 100 gross tons to five gross tons. Unless falling under one of the exceptions to section 8701(a), crewmembers on merchant vessels of at least five gross tons will be required to carry merchant mariners' documents.

This subsection also repeals the documentation exemption for individuals on vessels only operated on rivers and lakes, and for barges. All crew members on these vessels which are over five gross tons will be required to have merchant mariners' documents. Subsection (a) exempts individuals on small passenger and uninspected passenger vessels, as those terms are defined in section 2101 of title 46, United States Code, from the documentation requirement.

Subsection (b) amends section 8701(b) of title 46, United States Code, to direct the Secretary to prescribe regulations which exempt certain categories of employees from the documentation requirements of section 8701(a) of title 46, United States Code. The requirement for merchant mariners' documents on passenger vessels shall be limited to crew members employed in positions listed on the vessel's Certificate of Inspection. It does not include the category "other persons in the crew" which are individuals not involved in the normal operation of the vessel, such as waiters, room stewards, and band members. Additionally, individuals employed in positions for which the individual is required to hold a license issued by the Secretary are exempt from the merchant mariners' document requirement.

Subsection (c) prohibits the Secretary from collecting a fee or charge under section

2100 of title 46, United States Code, for issuing any merchant mariners' document required to be obtained under this Act. This subsection also prohibits the Secretary from making available to the public any personal information concerning an individual required to obtain a merchant mariners' document under this Act.

Subsection (d) states that this section shall take effect two years after the date of enactment of this Act.

TITLE VII—COAST GUARD REGULATORY REFORM

Section 701. Short Title

This section states that this title may be cited as the "Coast Guard Regulatory Reform Act of 1994".

Section 702. Safety Management

Section 702 adds a new chapter 32 to title 46, United States Code, to authorize the Secretary of the department in which the Coast Guard is operating to prescribe regulations regarding shipboard and shore-based management of vessels and personnel. This authority would include conducting examinations and requiring the maintenance of records. The purpose of this section is to implement the International Safety Management (ISM) Code. This agreement, which the United States Government has signed, requires owners of vessels engaged in foreign commerce to manage their vessels in a safe manner. This initiative recognizes that many of the decisions directly affecting the safety and environmental conditions on vessels are made on shore. The Secretary currently lacks legal authority to require adoption and use of the ISM Code by the owners and operators of U.S.-Flag vessels. Neither the International Convention for the Safety of Life at Sea (SOLAS) in general, nor the ISM in particular, derogate any of the pollution prevention measures contained in the Oil Pollution Act of 1990 (Public Law 101–380). SOLAS, including the ISM Code, augment safety and pollution prevention measures already enacted in the United States.

New section 3201 provides definitions for the chapter.

New section 3202(a) provides for the mandatory application of the chapter to the vessels covered by the International Safety Management Code. Mandatory application of the chapter will begin on July 1, 1998, to vessels transporting more than 12 passengers (as the term "passenger" is defined in section 2101(21)(A) of title 46, United States Code), and to a tanker, bulk freight vessel, or high speed freight vessel, each of which over 500 gross tons, as measured under chapter 143 of title 46, United States Code. The term "freight vessel" is already defined in section 2101 of title 46. Therefore, a "bulk freight vessel" is a freight vessel that transports bulk cargo and a "high speed freight vessel" is a freight vessel that operates at a high speed, as defined under the Safety of Life at Sea Convention, 1974.

New section 3202(b) provides that the chapter may be applied to vessels not covered by the ISM Code if the owner, charterer, or managing operator of the vessel requests. A vessel may not be "covered" by the ISM Code in two ways: first, the effective dates in the ISM Code for a particular type of vessel may not have been reached; or second, it may be a vessel, such as a vessel in coastwise trade, to which the ISM Code does not apply.

New section 3202(c) provides that the chapter does not apply to a barge, a recreational vessel not engaged in commercial service, a fishing vessel, a vessel operating only on the Great Lakes or its tributaries and connecting waters, or a public vessel (including a public vessel owned by the Maritime Administration). Most of these vessel types are defined in section 2101 of title 46, United States Code. Each of these exceptions is contained in the International Safety Management Code. This chapter does not apply to recreational vessels carrying more than 12 passengers on foreign voyages so long as the vessel is not engaged in commercial service and is not otherwise required to have a SOLAS Certificate.

New section 3203 required the Secretary of the department in which the Coast Guard is operating to prescribe regulations for a safety management system for vessels to which the chapter applies. The system must include, at a minimum, the six functional areas covered by the International Safety Management Code. The safety management system must include: (1) a safety and environmental protection policy; (2) instructions and procedures to ensure safe operation of the vessel and protection of the environment in compliance with international and United States law; (3) defined levels of authority and lines of communications between, and among, personnel on shore and personnel on the vessel; (4) procedures for reporting accidents and nonconformities with the safety management system; (5) procedures for preparing for and responding to emergency situations; and (6) procedures for internal audits and management reviews of the system.

New section 3203(b) requires that all regulations prescribed by the Secretary for vessels covered by the Convention must be consistent with the Convention. However, the Secretary may prescribe different regulations for those vessels and owners that apply for application of the chapter on a voluntary basis. The Secretary may decide that it is appropriate to prescribe different regulations for vessels engaged in domestic trade due to the difference in vessel operating environments, management structures, span of control, and the number of parties involved in the operation of the vessel.

New section 3204 requires each vessel owner, charterer, or managing operator to establish and submit to the Secretary for approval a plan describing how they will implement and comply with the safety management system. A vessel that is subject to the mandatory coverage of the chapter may not be operated without having on board a Safety Management Certificate and a copy of the Document of Compliance issued to the responsible person.

New section 3205 requires the Secretary to issue a Safety Management Certificate and a Document of Compliance if the owner, charterer, or managing operator of a vessel complies with the requirements of the chapter and the regulations prescribed under the chapter. This section also requires the Secretary to periodically verify that the safety management system, as approved, is being followed by the vessel owner, charterer, or managing operator. If a vessel required to have a Safety Management Certificate on board, either by application of the chapter or the International Safety Management Code, does not have one on the vessel, the Secretary shall withhold the clearance of the vessel to leave the United States until the certificate is issued, unless the owner files a bond or other surety satisfactory to the Secretary. Additional penalties for violations of this chapter are provided in section 3318 of title 46, United States Code, and include a civil penalty of $5,000.

Section 702(c) requires the Secretary of the department in which the Coast Guard is operating to submit to Congress a study on the implementation of the International Safety Management Code. The marine industry cannot be expected to join in this effort without meaningful participation in this development. This study must be completed and submitted to Congress not later than the earlier of one year after the date of enactment of this Act or before the Secretary has prescribed final regulations implementing new chapter 32 of title 46, United States Code.

Section 703. Use of Reports, Documents, Records, and Examinations of Other Persons

Section 703 adds a new section 3103 to title 46, United States Code. This new section will allow the Secretary to use reports, documents, and certificates issued by persons that the Secretary decides may be relied on to inspect, examine, or survey vessels.

Under this section, the Secretary may use and rely on reports, documents, and certificates issued by international classification societies, surveyors, professional engineering societies, shipyards, marine chemists, testing laboratories, the National Cargo Bureau, the International Cargo Gear Bureau, foreign governments, or other persons that the Secretary believes may be relied on to professionally inspector or review a vessel to ensure compliance with subtitle II of title 46, United States Code, which includes vessel inspection and load line laws. This authority gives the Secretary the flexibility to use alternative means of complying with regulatory requirements, including determinations that requirement or materials meet Coast Guard approved requirements, without reducing marine safety or pollution prevention. This offers the possibility of greater efficiencies for shipyards and vessel owners making it possible for the Secretary to use governmental resources in areas in which greater oversight and enforcement are needed. Reliance by the Secretary on the work of these various qualified persons reduces the need for the Coast Guard to do this work directly and reduces the number of duplicate examinations imposed on the marine industry.

While this provision does not authorize the Secretary to delegate any authority to these qualified persons, it does allow the Secretary to continue to rely on their work to carry out various marine safety, security, and environmental protection functions, including approval of equipment and material. The Secretary is expected to implement and maintain an active oversight program to ensure the continued integrity of the federal government's various mandates in the maritime sector, while decreasing the burden on industry.

Under section 3103, as added, the Secretary can establish a "model company" program in which maritime companies that meet the approval of the Secretary may conduct full self-inspection programs by a vessel owner that demonstrates, to the satisfaction of the Secretary, that the owner's safety management system can be relied on to maintain their vessel in a safe manner. Self-inspections will be subject to Coast Guard audit and oversight. The Secretary also may establish partial self-inspection programs for small companies and small vessels that may not have the ability to conduct full self-inspections as an alternative means of demonstrating compliance with regulatory requirements. The section allows the Secretary to provide increased oversight of shore-based management system of the vessel owner in return for which certain current enforcement practices could be reduced, so long as the overall level of safety is maintained. The Secretary may use as the basis

for this program the International Safety Management Code System established in new chapter 32 of title 46, United States Code; a consensus standard; a documented record of compliance with existing regulations; or another standard that is approved by the Secretary. The degree to which a domestic company's safety management plan and performance assures the Coast Guard of its diligence and dedication to safety will ultimately determine the degree to which the Secretary will rely on their records or certify them for self-inspection.

Nothing in this section lessens the need for the Secretary to continue efforts to eliminate unneeded regulatory requirements and to harmonize, to the maximum extent feasible, U.S. requirements with those applying to foreign-flag vessels operating in our waters.

Section 3308(c) amends section 3308 of title 46, United States Code, to clarify that the Secretary, or a person delegated by the Secretary, does not have to personally examine the vessel. This will allow for the use of reports other records and for self-inspections by model companies. (See discussion above.)

Section 704. Equipment Approval

Section 704 amends section 3306 of title 46, United States Code, concerning vessel inspection regulations and equipment and material approvals. Subsection (b)(1) contains the same language as the current section 3306(b), except that the language has been broadened to specifically include material subject to regulation. This term is added for clarification only.

This section also amends section 3306(b) of the title 46, United States Code, by adding a new paragraph (2) that allows the Secretary to accept, for use on vessels inspected by the Coast Guard, equipment and materials approved by foreign governments that use standards and testing procedures that the Secretary determines to be consistent with the requirements of the International Convention for the Safety of Life at Sea. Currently foreign manufactured equipment and material may be used on U.S.-flag vessels but must first be tested and approved by the Coast Guard.

However, when deciding whether to accept these approvals, the Secretary is required to determine that the approval of the equipment or material by the foreign government will "secure the safety of individuals and property on board vessels subject to inspection." This is the same legal standard that the Secretary must follow under section 3306(a) when approving equipment and materials for these vessels. For lifesaving equipment, such as lifeboats and liferafts, the Secretary must also determine that the foreign government allows the same type of U.S. Coast Guard approved lifesaving equipment to be used on vessels documented in that country without having to get separate approval of that equipment by the foreign government. If the foreign government, either through the approval process or other governmental barriers, restricts the use of a piece of U.S. Coast Guard approved lifesaving equipment on their commercial vessels, then the Secretary may not recognize that foreign approval for that piece of equipment in lieu of the Coast Guard approval. The Secretary should publish in the Federal Register the standards that will be used to determine whether a foreign country has an acceptable approval process.

When the Secretary accepts equipment and material under this authority, the equivalent standards should be acceptable for all such equipment and materials manufacturers holding U.S. Coast Guard approvals. Equipment and material accepted under this subsection may not be used on public vessels.

Section 704(b) requires the Secretary of Transportation, in consultation with other Federal agencies, to work to eliminate barriers to U.S. manufactures of fire and safety equipment and materials imposed by foreign governments, such as failing to certify their products, which the Secretary has found safe, for use in vessels documented in that country. Additionally, the Secretary shall continue to work through the International Maritime Organization to develop standards that result in mutual acceptance of maritime equipment and material.

Section 705. Frequency of Inspection

Section 705 amends section 3307(1) of title 46, United States Code, to clarify its purpose and to change the period of validity for certificates of inspection from two to five years. No practical changes will result with respect to inspections and examinations that are the basis for issuing the certificates of inspection.

Small passenger vessels carrying more than 12 passengers and engaged on foreign voyages are required to be inspected annually (along with passenger vessels and nautical schools vessels). Section 3307(2) of title 46 is also amended to require all other vessels to be inspected at least once every five years instead of either every two or three years as is currently the case. The change to section 3307 will, for the most part, align the U.S. inspection interval requirements with those found in the Convention for Safety of Life at Sea, 1974 and the practice of the American Bureau of Shipping for their special periodical surveys. As a technical conforming amendment, this section also amends section 3710(b) of title 46, to change the duration of a valid certificate of inspection for tank vessels from 24 months to five years.

The Committee does not envision any decrease in the level of safety due to these changes. Vessels on five-year cycles will continue to receive annual examinations to ensure they are in compliance with their Certificates of Inspection. These annual examinations may be scheduled within two months of the certificate of inspection anniversary date. Nothing in this provision affects the requirements applicable to hull, boiler, or other interval examinations as these are functions of regulations independent of section 3307.

Section 706. Certificate of Inspection

Section 706 eliminates the prohibition of a vessel owner from scheduling an inspection for a vessel more than 60 days in advance of the inspection. This change will allow shipowners to request inspections more than 60 days prior to the expiration of the current certificate of inspection. Modern commercial practice require that ship schedules generally be developed six months or more in advance. The owners and operators of U.S.-flag vessels, in order to adequately compete with their foreign counterparts, need to be able to make long-range commitments. The current statute restricts their ability to request scheduling of required vessel inspections and examinations. Further, it restricts the ability of the Secretary to make long-range plans for use of government personnel.

Section 707. Delegation of Authority of Secretary to Classification Societies

Section 707 amends section 3316 of title 46, United States Code, concerning the use of classification societies to inspect vessels. Currently, section 3316 limits delegations to the American Bureau of Shipping (ABS) "or a similar United States classification society." Since there is no similar U.S. classification society, there is, in effect, no delegation under this section other than to ABS.

Classification societies review vessel plans and conduct vessel examinations, primarily for insurance purposes. The Coast Guard frequently conducts plan reviews and vessel inspections that in many respects duplicate the work of the classification societies. There are over 40 classification societies worldwide, each associated or affiliated with a particular foreign country. The degree of professionalism varies among these classification societies. Eleven classification societies (including ABS) have joined together to form the International Association of Classification Societies (IACS). IACS has been granted observer status by the International Maritime Organization (IMO). Section 707(a)(4) allows the Secretary to delegate vessel inspection and examination and plan review and approval authority to classification societies, in addition to the ABS, that meet safety and quality standards acceptable to the Secretary.

However, the Secretary may make this delegation only if the foreign government provides reciprocity to the ABS to provide those services for vessels documented in that country. Under section 3316(b)(2)(A), the Secretary may delegate this authority to the extent that the government of the foreign country in which the society is headquartered delegates to the ABS authority to provide those same services for vessels documented in that country and provides access to ABS to provide these services. For example, if a foreign government delegates, beginning in 1999, the authority to inspect vessels registered in that country that are only engaged in their foreign commerce (but not their coastwise trade), then the Secretary could only delegate to a classification society headquartered in that country the authority, beginning in 1999, the authority to inspect U.S.-flag vessels that are engaged in foreign commerce, but not the coastwise trade. The term "foreign government" includes any government entity that documents vessels under its flag, which, in the future, may include the European Union.

While this section allows the Secretary to delegate the authority to inspect and provide related services on a reciprocal basis to foreign classification societies, the Secretary should exercise discretion to determine who should be delegated authority and the extent of that delegation. While membership in IACS should be a minimum standard, it should not be the only standard. A delegation may only be done if it will secure the safety of individuals and property on board the U.S.-flag vessels to be inspected.

Section 708. Study of Marine Casualty Reporting Requirements

The purpose of Section 708 is to have the Coast Guard look at existing requirements that require adoption of regulations that differentiate between degree of severity of accidents that require follow-up drug testing. Currently, any accident on a vessel, no matter how minor, requires drug testing. The Coast Guard has not provided guidance on whether very minor accidents are exempt. Examples are if the cook cuts his or her finger, if a passenger falls and the cabin attendant is nearly, if a crew member pulls a muscle, etc. The language of the statute authorizing the Coast Guard to adopt regulations differentiating between severity of accidents make it clear that Congress did not intend drug testing for every very minor occurrence. This does not change current law.

Vessel owners will still be required to conduct pre-employment and random drug testing and post-occurance drug testing where the accident is more than minimal.

TITLE VIII—UNITED STATES CRUISE VESSEL DEVELOPMENT

Section 801. Short Title

This section provides that this title be referred to as the "United States Cruise Vessel Development Act".

Section 802. Purpose

Section 802 states that the purpose of this Act is to promote the construction and operation of U.S.-flag cruise vessels in the United States.

Section 803. Coastwise Transportation of Passengers

Subsection 803 rewrites section 8 of the Act of June 19, 1886 (commonly referred to as the "Passenger Vessel Act") (46 App. U.S.C. 289).

In new section 8(a), the first phrase "Except as otherwise provided by law," means that this section does not apply to those areas currently exempted from the application of the coastwise trade laws, such as the U.S. Virgin Islands, American Samoa, the Northern Mariana Islands, and Canton Island. This phrase also means that documented vessels serving Guam, Wake Island, Midway Island, and Kingman Reef may continue to do so with a registry endorsement under section 12105(b) of title 46, United States Code, and are not required to have a coastwise endorsement as required under subsection (a)(2).

New section 8(a)(1) also requires these vessels to be owned by an individual who is a citizen of the United States or a corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916, by having the controlling interest in the vessel owned by United States citizens. This paragraph makes no substantive change to law but simply codifies existing law as interpreted by the Coast Guard, the Customs Service, and the courts.

New section 8(a)(2) requires all vessels transporting passengers in the coastwise trade to meet the requirements of section 27 of the Merchant Marine Act, 1920, by being built and, if rebuilt, rebuilt in the United States. Section 27 also prohibits documented vessels that have been transferred to a foreign flag from being redocumented in the United States with a coastwise endorsement. This paragraph makes no substantive change to law but simply codifies the existing law as interpreted by the Coast Guard, the Customs Service, and the courts.

New section 8(a)(3) requires that any vessel transporting passengers in the coastwise trade be a documented vessel with a coastwise endorsement if the vessel is over five net tons. A certificate of documentation with a coastwise endorsement is the certificate maintained on a vessel that authorizes it to be used in the coastwise trade. This subsection makes no substantive change to law but simply codifies existing law as interpreted by the Coast Guard and the courts and provides the means to enforce the requirements under this Act.

New section 8(b) provides an exception to the requirement that a cruise vessel be owned by a United States citizen. This section will allow a foreign-owned vessel to be engaged in the coastwise trade if the vessel is operated under a demise charter to an individual or corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916. To prevent a series of short-term demise charters from occurring, this subsection requires a demise charter to be for a period of at least 18 months. To accommodate short periods of time between demise charters, the Secretary of Transportation is authorized to approve the operation of the vessel in the coastwise trade until the owner reaches an agreement with a United States citizen to again demise charter the vessel to a U.S. citizen.

New section 8(c) provides an exception to the requirement that a vessel meet all of the requirements of section 27 of the Merchant Marine Act, 1920, commonly referred to as the Jones Act. Section 27 of that Act established most of the requirements for a vessel engaged in the coastwise trade (including a cruise vessel); e.g., the vessel must have been built in a United States shipyard, if rebuilt, the vessel must have been rebuilt in a United States shipyard, the vessel may never have been owned by a foreign citizen or placed under a foreign registry.

Under this exception, a vessel owner may reflag an existing foreign-flag vessel for operation under the U.S. flag with a coastwise endorsement if the vessel is not less than five years old and not more than 15 years old on the date that the vessel is documented under the U.S.-flag after the date of enactment of This Act and if the owner or charterer has entered into a contract for the construction in the United States of another cruise vessel that has a total berth or stateroom capacity that is at least 80 percent of the capacity of the reflagged cruise vessel. A cruise vessel may use either or both of the exceptions provided in subsections (b) and (c).

New section 8(c)(2) eliminates the ability of a reflagged vessel to engage in the coastwise trade after the date that is 18 months after the date on which it is reflagged if, before that date, the keel of another cruise vessel has not been laid or at a similar stage of construction. The use of the standard "at a similar stage of construction" has been used by the Coast Guard when a vessel does not have a keel laid such as with modular construction of modern vessels. The Secretary of Transportation is allowed to extend this 18-month deadline for not more than six months for good cause shown. There are instances in which a shipyard and vessel owner are making substantive progress toward having a keel laid but an event occurs that may prevent the 18 month deadline from being met. If the parties can demonstrate this to the Secretary, then the Secretary may grant up to a six month extension.

New section 8(d) prohibits a reflagged cruise vessel and a U.S. non-reflagged cruise ship owned or chartered by a person that owns or charters a reflagged cruise vessel, from operating the reflagged, or any other vessel, in the coastwise trade between any two ports served by another cruise vessel that transports passengers in the coastwise trade on the date the Secretary issues the coastwise endorsement for the reflagged vessel. This prohibition only extends to competition with owners or operators of vessels that do not own or operate any reflagged vessels in any market. A reflagged vessel may enter a coastwise market in competition with another vessel if the owner of that vessel also owns a reflagged vessel.

This section also prohibits these owners from operating any vessel between the islands of Hawaii. For example, neither a reflagged vessel nor a U.S.-built vessel owned by a person that owns or charters a reflagged vessel may engage in the coastwise transportation of passengers between the islands of Hawaii.

New section 8(e) establishes the penalties for vessels operated in violation of section 8. Paragraph (1) provides for a civil penalty of $1,000 for each passenger transported in violation of the section. This paragraph increases the penalty from $200 which was established in 1898. Paragraph (2) provides that a vessel operated in knowing violation of this section, and its equipment, are liable to seizure by and forfeiture to the United States Government. This is similar to the penalty contained in section 27 of the Merchant Marine Act, 1920, for the transportation of merchandise and the penalty in section 12122(c) of title 46, United States Code, for knowingly using a certificate of documentation in violation of the documentation laws.

New section 8(f) provides two definitions for terms used in this section.

Paragraph (1) defines "coastwise trade" to include, but not be limited to, the transportation of passengers between points in the United States, either directly or by way of a foreign port. This paragraph makes no substantive change to the current interpretations of that law as it applies to distant foreign ports.

This amendment does not otherwise change the current definition of a passenger, as interpreted by the U.S. Customs Service. In most instances that agency interprets a passenger as an individual who is not substantially connected with the operation, navigation, ownership, or business of a vessel. However, the bona fide guest of an owner or bareboat charterer of a recreational vessel is not considered to be a passenger by the Customs Service. The vessel transporting passengers is often operated as a business, which may be evidenced by facts such as having a crew that is paid, depreciating the vessel under the U.S. tax laws, or by the receipt of consideration for the transportation of passengers by the owner or charterer of the vessel. The term "consideration", as interpreted by the Customs Service, means a past, present, or anticipated economic benefit, inducement, right, or profit, direct or indirect, including pecuniary payment, economic advantage, or business goodwill accruing to an individual or person, but not including a voluntary donation of food, beverage, or other item which is of a nominal value considering the circumstances.

Paragraph (2) defines the term "cruise vessel" to mean a vessel that is at least 10,000 gross tons (as measured under the international tonnage convention system), has berth or stateroom accommodations for at least 200 passengers, and is not a ferry. Paragraph (3) defines the term "related person" to mean any holding company, subsidiary, affiliate, or association of the person owning or chartering the vessel and any officer, director, or agent of the owner or charterer of the vessel. The purpose of this section is to ensure that a person that is prohibited from owning or operating a vessel engaged in the coastwise trade because of their failure to build an additional vessel in a United States shipyard does not circumvent this prohibition through related business ventures.

Section 804. Construction Standards

Section 804 amends section 3309 of title 46, United States Code, to require the Secretary of the department in which the Coast Guard is operating to issue a certificate of inspection for a passenger vessel if the vessel meets the standards and conditions for the issuance of a control verification certificate to a foreign vessel embarking passengers in the United States. This section will allow the Coast Guard to issue a certificate of inspection to a vessel, either a U.S.-built or a reflagged cruise ship, if the vessel meets the

requirements of the International Convention for the Safety of Life at Sea (SOLAS), as interpreted by the Coast Guard.

Section 805. Citizenship for Purposes of Documentation

Section 2 of the Shipping Act, 1916 allows a vessel to be engaged in the coastwise trade only if the vessel is owned by a United States citizen. In the case of a corporation, association, or partnership, the amount of the interest required to be owned by United States citizens shall be at least 75 percent.

Section 805 decreases this requirement from 75 percent to a majority of the interest in the corporation, association, or partnership must be owned by U.S. citizens. Under this section, corporations owning vessels that primarily transport passengers in the coastwise trade must meet the requirements in section 2(b) of the Shipping Act, 1916. Partnerships or associations owning vessels that primarily transport passengers in the coastwise trade must meet the requirements in new section 2(e) of that Act.

Section 806. Amendment to Title XI of the Merchant Marine Act, 1936

Section 806 amends section 1101(b) of the Merchant Marine Act, 1936 to clarify that the Secretary of Transportation may issue a loan guarantee under title XI of the Act for the construction of passenger vessels, and not just combination passenger-cargo vessels.

Section 807. Permits for Vessels Entering Units of National Park System

Section 807 establishes a priority system that the Secretary of the Interior must use when issuing permits for the operation of vessels in a National Park. For example, there are currently 107 permits for operating a vessel in Glacier Bay National Park in Alaska. Under section 807 there will be three priorities for the issuance of these permits:

The first priority is for any U.S.-flag vessel that is home-ported in the United States and any foreign-flag vessel whose owner holds rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act.

The second priority is for any person currently permitted to operate a foreign-flag vessel in the National Park for which the permit is being issued.

The third priority is for any other person that will operate a vessel that is not granted a permit under the first two priorities.

Section 807 also establishes a system for revoking foreign-flag vessel permits that have been issued if a U.S.-flag vessel applies for a permit to enter the National Park. However, the permit a person allowed to operate a foreign-flag vessel under section 1307(a) of the Alaska National Interest Lands Conservation Act may not be revoked in order to allow a U.S.-flag vessel into the Park.

TITLE IX—BOATING IMPROVEMENT

Section 901. Short Title

The section provides that this title may be referred to as the "Boating Improvement Act of 1994".

Section 902. Boating Safety Grants

Paragraph (1) of subsection (a) amends section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)) to provide a secure source of funding for the Coast Guard state recreational boating safety grant program. The Secretary of the Interior is directed to deduct an amount equal to $15,000,000 for FY1995, $40,000,000 for FY1996, $55,000,000 for FY1997, and $69,000,000 for each of FY1998 and FY1999 from the total amount available for allocation to states from the Sport Fish Restoration Account. Of those amounts of $7,500,000 for FY1995, and $10,000,000 for each of FY1996 and FY1997 shall be used by the Secretary of the Interior to make competitive grants to states under section 5604(c) of the Clean Vessel Act of 1992 (subtitle F, title V, P.L. 102-587) to be used for the construction, renovation, and maintenance of boat sewage pumpout stations. In each of FY1998 and FY1999, $10,000,000 is available for making boat sewage pumpout station grants under section 5604(c) of the Clean Vessel Act of 1992, or for nontrailerable boat access projects under section 903(e) of the Boating Improvement Act of 1994.

The remainder of the amounts deducted, i.e., $7,500,000 in FY1995, $30,000,000 in FY1996, $45,000,000 in FY1997, and $59,000,000 in each of FY1998 and FY1999, shall be transferred by the Secretary of the Interior to the Secretary of Transportation and expended by the Secretary for state recreational boating safety programs under section 13106 of title 46, United States Code. The amount transferred to the Secretary of Transportation for the boating safety program shall be reduced by the amount appropriated from the Boat Safety Account, or $35,000,000, whichever is less. Amounts available for Clean Vessel Act or Boating Improvement Act grants in FY1998 or FY1999, which are not expended within two years of the time they become available, shall be transferred to the Secretary of Transportation and used for the state recreational boating safety grant program.

Paragraph (2) makes a conforming change to section 5640(c)(1) of the Clean Vessel Act necessitated by the amendments made in section 902(a)(1) of the Boating Improvement Act of 1994.

Paragraph (3) limits the distribution under section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), to $50,000,000 in FY1996. Amounts distributed under section 4(a) provide funds to carry out the purposes of the Coastal Wetlands Planning, Protection, and Restoration Act (title III, P.L. 101-646), including wetlands conservation and restoration in Louisiana and other coastal states, and wetlands conservation under the North American Wetlands Conservation Act (P.L. 101-233).

Subsection (b)(1) amends section 13106(a)(1) of title 46, United States Code, by deleting the authorization for the state recreational boating safety grant program to receive one-half of the amount deposited in the Boat Safety Account. This authorization is no longer necessary with the passage of this Act. It also clarifies that the amount that the Secretary of Transportation is required to spend on the state boating safety grant program is the total of the amount appropriated from the Boat Safety Account and the amount transferred by the Secretary of the Interior from the Sport Fish Restoration Account.

Subsection (b)(2) amends section 13106(c) of title 46, United States Code, by deleting the authorization for the Coast Guard to receive one-half of the amount deposited in the Boat Safety Account, and replacing it with an authorization of appropriations of $35,000,000 per year from the Boat Safety Account for the state recreational boating safety grant program.

Section 903. Boating Access

Subsection (a) states the findings of Congress that nontrailerable vessels contribute a disproportionate amount of the gasoline taxes deposited in the Wallop-Breaux Trust Fund, most boating access facilities constructed with Wallop-Breaux Trust Fund monies benefit trailerable vessels, and more Wallop-Breaux Trust Fund monies should be spent on access facilities that benefit nontrailerable vessels.

Subsection (b) provides that the purpose of the section is to provide funds to states for the development of public facilities for transient untrailerable vessels.

Subsection (c) authorizes states to complete and submit to the Secretary of the Interior a survey which identifies: (1) the number and location of all public facilities for transient nontrailerable vessels; and (2) the number and areas of operation in each state of all nontrailerable vessels that operate on the navigable waters of the state. The primary purpose of this survey is to determine whether public facilites within the state are adequate to meet the needs of the nontrailerable vessels which operate on the navigable waters of the state.

Subsection (d) provides that, within 6 months of submitting a survey under subsection (c), a state may develop and submit to the Secretary of the Interior a plan for the construction and renovation of adequate public facilities for transient nontrailerable vessels to meet the needs of nontrailerable vessels operating on the navigable waters of the state. The Committee anticipates that states will base their plans on the needs identified in the survey conducted under subsection (c).

Subsection (e) authorizes the Secretary of the Interior to obligate not less than one-half of the amount made available for each of FY1998 and FY1999 under section 4(b)(1)(C) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1)(C)) for making grants to any state to pay not more than 75 percent of the cost of constructing or renovating public facilities for transient nontrailerable vessels. In awarding grants, the Secretary of the Interior may make a grant to any state; however, priority shall be given to projects that are identified in a state plan submitted under subsection (d). In awarding grants for projects within a state, the Secretary shall give priority to projects that are likely to serve the greatest number of nontrailerable vessels. In determining which projects to fund under this subsection, the Secretary should give priority to those projects which do not compete with private facilities.

Section 904. Definitions

This section contains the definitions of terms used in this title.

The term "Act of August 9, 1950" means the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes", approved August 9, 1950 (16 U.S.C. 777a *et seq.*). This Act is commonly called the Federal Aid in Sort Fish Restoration Act.

The term "nontrailerable vessel" means a recreational vessel greater than 26 feet in length.

The term "public facilities for transient nontrailerable vessels" means mooring buoys, day-docks, seasonal slips or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable vessels. The term "day-dock" means a dock that is available for public use for periods less than 24 hours in duration. The Committee intends "seasonal" use to mean use during the normal boating season for the relevant section of the country.

The term "recreational vessel" means a vessel that is operated primarily for pleasure; or leased, rented, or chartered to another for the latter's pleasure. This definition is identical to the definition of recreational vessel contained in 46 U.S.C. 2101(25).

The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

TITLE X—DOCUMENTATION OF VESSELS

Section 1001. Authorization of Documentation for Various Vessels

Section 27 of the Merchant Marine Act, 1920 (popularly known as the Jones Act, 46 App. U.S.C. 883) provides that only vessels built in the United States and owned by a citizen of the United States may transport merchandise in the coastwise trade of the United States. The Act also provides that a vessel that has acquired the right to engage in the coastwise trade and is later sold to a foreign owner or is placed under foreign registry may not engage in the coastwise trade.

Chapter 121 of Title 46, United States Code, prohibits foreign-built, -owned and -documented vessels from engaging in the U.S. coastwise or Great Lakes trades or fisheries of the United States.

When the facts surrounding any particular vessel implicate one or more of these statutory prohibitions, the Coast Guard may not issue a document granting coastwise or Great Lakes trading or U.S. fisheries privileges. A vessel may acquire these privileges through special legislation authorizing the Coast Guard to issue the necessary documentation. In the past, the Committee has approved special legislation when the owners of particular vessels have demonstrated extenuating circumstances meriting such action.

Subsection 1001(b) authorizes 47 vessel owners to receive certificates of documentation with the appropriate waivers. Most of these vessels were originally U.S.-flag vessels, but were transferred to foreign ownership at some point in their chain of title. Other vessels were foreign-built and are otherwise prohibited from engaging in the coastwise trade.

Section 1002. Authorization of Documentation for the "Atlantis III"

Section 1002 grants a coastwise waiver to the vessel, *Atlantis III* (a submarine—Bahamian official number 006455), for employment in the coastwise trade in Alaska from May 1, 1995, to October 31, 1996.

Section 1003. Authorization of Sale and Reregistration

Section 1003 authorizes the foreign transfer of the vessels SS *Lake Charles* (U.S. official number 619531), and SS *Louisiana* (U.S. official number 619532), notwithstanding any other law, if an application to authorize payment of operating-differential subsidy to the vessels is not approved by December 15, 1994.

Section 1004. Vessel Documentation

Subsection 1004(a) grants a coastwise waiver for each of the vessels *Gallant Lady* (Feadship hull number 645) and *Gallant Lady* (Feadship hull number 651).

The coastwise waiver is limited to carriage of passengers in association with contributions to charitable organizations, no portion of which is received by the owner of the vessel. Receipt of the certificate of documentation by the owner would be prohibited unless the owner, within 90 days after the date of enactment, submits a letter to the Secretary of Transportation, expressing the intent of the owner to enter into a contract before October 1, 1996, for the construction of a U.S.-built passenger vessel of at least 130 feet in length.

Certificates of documentation for the *Gallant Lady* vessels shall expire upon the sale of either vessel by the owner, or on October 1, 1996, if the owner has not entered into a contract for construction of a vessel in accordance with the owner's letter of intent to the Secretary of Transportation, or if the contract for construction is breached or otherwise terminated.

Section 1005. Extension of Deadline for the M/V "Twin Drill"

Section 1005 amends section 601(d) of P.L. 103-206 to extend the date required for the conversion of the M/V *Twin Drill*. P.L. 103-206 required the M/V *Twin Drill*, to have completed a major conversion before June 30, 1995. The M/V *Twin Drill*, is in the process of being converted, but will be unable to be completed by the June 30 date. The amendment would change the requirement for completion of conversion until December 31, 1995.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. I thank the chairman for yielding to me.

Mr. Chairman, I rise in strong support of the leadership amendment to H.R. 4422, the Coast Guard Authorization Act of 1994.

This amendment packages a number of bills into a sort of omnibus merchant marine proposal covering a variety of areas within our committee's jurisdiction. I am proud to say that in the best tradition of the Merchant Marine Committee, this amendment has been crafted in a bipartisan spirit.

The first four titles of H.R. 4422 authorize funds for the Coast Guard for fiscal year 1995, and include important provisions to improve vessel and navigation safety and Coast Guard personnel management. I support this bill, although I have great concerns about the future effect of the reduced level of certain Coast Guard services authorized under this legislation.

Budget problems are not new to those of us who are strong and consistent supporters of the U.S. Coast Guard. Since coming to Congress in 1981, I have fought each year to assure that the Coast Guard has adequate funding to carry out its multiple responsibilies. In the past, we have worked together on a bipartisan basis to fund the Coast Guard at the authorization levels requested by the previous administrations.

Unfortunately, this year the Coast Guard funding request is particularly grim, and the problem is the President's fiscal year 1995 budget submission. Based on policy decisions made by the President in Function 400, Coast Guard operating expenses are dangerously deficient.

Under the President's proposal, and unless we pass this bill, the Coast Guard would have no choice but to slash 100 million dollars' worth of services to the public, including cuts of an additional 1,100 military personnel, elimination of all regional documentation centers, small search and rescue units, and aircraft and vessels performing various important lifesaving functions. In short, there is simply no way that the Coast Guard can adequately perform its ever growing number of roles and missions under the budget request of this administration.

As I mentioned earlier, my greatest concern involves the effect of the President's policy on Haiti on Coast Guard drug interdiction operations. Until the Cuban refugee situation worsened, the Coast Guard had diverted nearly all of its resources in the Caribbean to Haitian refugee interdiction. Earlier this month, the Coast Guard was unable to respond to 11 potential drug incidents in this area. Obviously, the Coast Guard's law enforcement resources have been exhausted, and drug smugglers are taking advantage of the situation. Fortunately, we will not see a repeat of this situation during the next fiscal year, because H.R. 4422 contains my amendment to prohibit diversion of drug interdiction resources to any other mission in fiscal year 1995.

In addition, I am especially concerned about the cuts to drug interdiction for the Coast Guard and other agencies, especially the Department of Defense, that provide information and support to the Coast Guard drug interdiction program. I think we are going in the wrong direction by dramatically increasing funding for drug treatment programs, while cutting resources for drug interdiction. H.R. 4422 authorizes an additional $21 million for Coast Guard drug interdiction in fiscal year 1995 to build drug interdiction activities back up to an acceptable level.

The President's budget request for the Coast Guard significantly reduces drug interdiction funds. The President's national drug control strategy emphasizes drug treatment programs for hard-core drug users over drug interdiction and other law enforcement measures. To implement this strategy, the President's fiscal year 1995 budget contains a $1 billion increase for treatment, prevention, and source-country eradication programs and a $95 million decrease in drug interdiction funds.

I do not support the President's drug control strategy because it cripples our drug interdiction efforts. To actually decrease drug use, a national drug control program must emphasize ways to control the supply as well as the demand for drugs. By neglecting tough drug interdiction activities at the border, the President's drug control strategy will encourage drug smuggling and make drugs more plentiful on the streets of our country.

Another proposal in the President's request is to fund the repair of highway

bridges that are deemed to be hazards to navigation through the Federal Highway Administration's [FHA] Discretionary Program, rather than through the Coast Guard's Alteration of Bridges Program. I am concerned that even if we change the law to allow this arrangement, the funds may not be available to ensure that safe bridges continue to be constructed.

Finally, the President's budget proposes another deep cut in the number of Coast Guard reservists from 8,000 to 7,000 reservists. Last year, the Coast Guard released a study supporting the administration's decision to cut the Coast Guard Reserve to 8,000. The additional cut to 7,000 is completely unjustified. The Coast Guard Reserve is important to augment Coast Guard emergency activities, such as oil spills, floods, and hurricane relief. The country's emergency preparedness is severely threatened by the proposal to cut the Reserves to this level.

Mr. Chairman, one of the biggest problems in the President's budget was a proposal to consolidate the marine safety offices in Galveston and Houston, TX. This consolidation will compromise the safety of shipping in the Houston Ship Channel, and leave the Coast Guard without a presence in the seventh busiest port in the world. It is a serious mistake to allow budgetary concerns to overwhelm safety considerations, and a provision I authored should address this problem.

Mr. Chairman, unless this bill is passed, there will be fewer individuals in the Coast Guard than at any time since 1982. Since that time, we have added many major enforcement responsibilities to the Coast Guard in law enforcement, navigation safety, and environmental protection areas. The Oil Pollution Act of 1990 alone consumes millions of dollars in resources. If we don't change course, Congress will be forced to review Coast Guard missions and eliminate many of them. I hope that we can convince our colleagues in the other body that this is bad policy, and that we need to provide the Coast Guard with adequate funding in fiscal year 1995.

Mr. Chairman, H.R. 4422 addresses the critical problems for the Coast Guard for the next fiscal year, and I hope that we can send this bill to the President for his signature later this Fall.

The leadership amendment would add six additional titles to H.R. 4422, as introduced. These provisions cover recreational boating and towing vessel safety, lessen the regulatory burden on our American merchant marine to allow it to compete with foreign companies, and encourage the development of an American cruise ship industry.

Mr. Chairman, title five of the leadership amendment contains the substance of H.R. 3786, the Recreational Boating Safety Improvement Act of 1994. I am pleased that the most important requirements of my bill, H.R. 2812, the Recreational Boating Safety Act of 1993 are also incorporated into this title.

Boating deaths are the second-largest category of transportation fatalities, exceeded only by highway deaths. Alcohol is a contributing factor in at least half of all boating accidents. Nearly 85 percent of all persons who drown in recreational boating accidents are not wearing lifejackets, and only 37 States require individuals aboard recreational vessels to wear lifejackets.

I believe that we must act now to require our children to wear life jackets to protect them from drowning in boating accidents. This title would require children 12 years and younger to wear a life jacket or other Coast Guard-approved flotation device aboard recreational vessels under 26 feet in length. Second, we must crack down on violators of boating-while-intoxicated [BWI] laws, and encourage the States to enact tougher BWI laws. This title requires individuals who commit serious boating law violations to take a boating safety course, and provides $10 million in additional boating safety funds for States that enact tough BWI laws.

Unfortunately, Mr. Chairman, the President has proposed to cut the State Boating Safety Grant Program as part of his fiscal year 1995 budget. That program is fully funded by the fuel taxes paid by recreational boaters, and it is wrong to ask recreational boaters to pay the tax without the benefits of State boating safety programs.

I think that we should spend more, not less, of the fuel tax paid by recreational boaters for the important boating safety purpose for which it is collected. Boating safety should be a Coast Guard priority, and targeting more fuel tax dollars in this area will ensure that boating safety issues get the attention they deserve.

Mr. Chairman, this legislation will save lives and reduce the number of injuries that occur on America's waterways each year. These provisions have been endorsed by the American Academy of Pediatrics, the National Association of State Boating Law Administrators, and the National Marine Manufacturers Association.

Mr. Chairman, title six of the leadership amendment, incorporates H.R. 3282, the "Towing Vessel Navigation Safety Act of 1994," a bill to increase the standards for navigation safety on our inland waterways. There have been several tragedies over the past year that have compelled us to improve safety standards on our inland waterways. On May 28, 1993, a 31-year-old woman who was 5 months pregnant was killed and two other motorists were seriously injured when a 145-foot section of the Judge Seeber Bridge in New Orleans, LA, collapsed after it was struck by a tug and barge.

On September 22, 1993, Amtrak's Sunset Limited derailed while crossing the Big Bayou Canot Bridge north of Mobile, AL. The accident was the worst in Amtrak's history, and claimed 47 lives. Moments before derailment, the bridge was severely damaged when it was struck by a tug pushing several barges. The tug was operating in heavy fog without basic navigational tools.

On January 7, 1994, another towing vessel accident occurred when a barge spilled 750,000 gallons of diesel oil off the coast of Puerto Rico. In this case, the towing vessel operator improperly repaired a tow, allowing the barge carrying oil to float free and run aground on a reef.

Last June, the National Transportation Safety Board found that inadequate licensing requirements, poor radar training and inadequate navigational equipment, combined to cause the Sunset Limited accident. The Coast Guard recently released studies on towing vessel inspection and manning requirements. The Coast Guard did not recommend inspection of all towing vessels but suggested that, in certain vessel operations, greater Coast Guard oversight may be necessary. The Coast Guard also recommended several manning changes to increase the proficiency of operators of towing vessels.

This safety act would require certain navigational equipment aboard towing vessels; require that the operator of the vessel demonstrate proficiency in the use of the equipment; require prompt reporting of marine casualties; direct the Coast Guard to develop a model company towing vessel inspection program; direct the Coast Guard to develop an enhanced boarding program for inland rivers; increase civil penalties for violations of towing vessel equipment and manning requirements; eliminate the existing uninspected towing vessel operator licenses and replace them with new master and operator licenses; provide "whistleblower" protection to all seamen who refuse to violate safety laws and other Federal regulations; and require towing and offshore supply vessel personnel and certain personnel employed aboard passenger vessels to carry merchant mariner's documents.

The increased safety requirements contained in this act will not only protect innocent individuals, but will also help keep our Nation's ports free of obstructions and open to commerce.

Another very important title included in our amendment pertains to safety. Title seven, the "Coast Guard Regulatory Reform Act of 1993," is intended to simplify U.S. construction requirement to reduce the regulatory burden on the U.S. maritime industry without compromising safety.

U.S. shipbuilding requirements maintain the safety of passengers and crew carried aboard U.S.-flag vessels. Shipbuilding requirements also control the

ultimate profitability of vessel operations. The goal of U.S. shipbuilding requirements should be to maintain a high level of safety without discouraging investment in vessel operations under the U.S. flag.

In 1992, Secretary of Transportation Card directed the Coast Guard to simplify their ship construction requirements to reduce the regulatory burden on the U.S. merchant marine industry. Unfortunately, that project did not move forward until recently. These provisions, developed by the Coast Guard, industry representatives, and the Merchant Marine and Fisheries Committee, will streamline shipbuilding requirements for all the U.S. maritime industry and allow it to become more competitive internationally.

The title implements the International Management Code for the Safe Operation of Ships [ISM Code] under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974; requires the Coast Guard to study the methods that may be used to implement and enforce the ISM Code; authorizes the Coast Guard to use reports of qualified organizations as evidence of compliance with Coast Guard inspection requirements; authorizes the Coast Guard to accept equipment approvals of foreign governments if the approval secures the safety of individuals and property on board vessels; conforms the durations of U.S. certificates of inspection to the internationally recognized time period of 5 years; and authorizes the Coast Guard to delegate inspection authority to classifications societies in addition to the American Bureau of Shipping under certain conditions.

Streamlining U.S. shipbuilding requirements is an essential part of maritime reform. Any legislative solution to problems in this area must maintain a high level of safety in ship construction, but must also "level the playing field" for vessels in foreign trade.

Title eight contains the provisions of H.R. 3821, the "United States Passenger Vessel Development Act," which is designed to promote the construction and operation of domestic passenger ships that will operate out of U.S. ports and cater to Americans.

I have fought to revitalize the American-flag cruise ship industry since my first term in Congress. I know how important this industry would be and how hard it is for us to compete against foreign competitors.

For a number of years we have been looking at legislative proposals designed to create opportunities for American businesses to enter the lucrative cruise ship trade. As we all know, this trade is currently dominated by foreign-owned and foreign-flagged cruise ships.

H.R. 3821 could well provide the mechanism to allow Americans to prove that we can compete with the foreign cruise ships, by using vessels manned by American citizens and, ultimately with American-built cruise ships.

It is my hope that this title will provide the statutory mechanism to encourage American businesses to enter the cruise trade. We just sent to the Senate our maritime reform program designed to stimulate our merchant marine and shipbuilding industries. It is now time that Congress took action to break the grip of the foreign interests that dominate what should be an American cruise ship trade.

Title nine addresses another aspect of boating safety, specifically the State Boating Safety Grant Program.

It would establish a reasonable, stable funding method for the program, and yet will not increase the total expenditures of the Federal Government. It is supported by all of the affected groups, including the National Association of Boating Law Administrators, the American League of Anglers and Boaters, and the Boat Owners Association of the United States.

I deeply regret that the President proposed to eliminate the State Boating Safety Program in his fiscal year 1995 budget. This committee is on record in opposition to this proposal for three reasons. First, boating safety grants are fully funded by the fuel taxes paid by recreational boaters. Second, no real savings result because funds deposited in the boat safety account that are not appropriated for State grants are automatically spent for sport fish restoration projects the following year. Third, this program has been successful in reducing boating accidents and fatalities. According to the Coast Guard, the estimated number of boats has more than tripled since the Federal Boating Safety Act was enacted in 1971, yet the boating fatality rate has dropped 80 percent. In fact, recreational boating fatalities dropped to a record low 816 in 1992. We should not eliminate a program that is so successful; that is strongly supported by the States; and that is paid for by recreational boaters.

Finally, Mr. Chairman, the leadership amendment includes a number of Jones Act waivers. The committee has ensured that there were compelling reasons to grant these waivers, either because the problems related solely to chain-of-title, or because the individuals who requested the waivers demonstrated a significant financial hardship.

In conclusion, the Merchant Marine and Fisheries Committee has completed action, in a fair, bipartisan manner, on bills that are immensely important to our maritime industry and the safety of our citizens. As we enter the final weeks of this session, I only hope that the other body will move this legislation expeditiously.

Mr. Chairman, I urge my colleagues to join me in supporting adoption of this bill.

Mrs. FOWLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the en bloc amendments to H.R. 4422. We have all seen the important work of the Coast Guard in recent weeks regarding both Haitian and Cuban refugees. That we need a strong and well-equipped Coast Guard for these type of actions is undisputed. But in addition to refugee intervention, a strong Coast Guard is also necessary in the war against drugs.

When the President first proposed a fiscal year 1995 budget for the Coast Guard, it provided no funds for drug intervention. The Merchant Marine and Fisheries Committee added $21 million to that request for drug intervention. In addition, the committee added language to require the Coast Guard to dedicate at least 9.5 percent of its operating expenses to drug interdiction activities.

Unfortunately, with this administration's policy of drug treatment as opposed to drug interdiction, and the reallocation of Coast Guard resources to the Cuban and Haitian situations, there remains minimal resources for drug interdiction. Since May alone, the Coast Guard has been notified of 11 instances of drug trafficking and has been unable to respond due to the fact that all of its resources are being used elsewhere. This is a situation that simply cannot continue.

Given Florida's past role as a major conduit for drug trafficking from Latin America and the Caribbean, and the impact these illicit operations have had on the crime rates in Florida, further reductions or reallocations of the Coast Guard's drug interdiction activities are unacceptable.

With the help of the Coast Guard and other Federal crime fighting agencies, Florida's law enforcement authorities have scored impressive successes against drug trafficking. We simply cannot reduce our vigilance in this regard. For these reasons, I support passage of this legislation.

Mr. MACHTLEY. Mr. Chairman, I rise today in support of this amendment offered by Mr. STUDDS, my distinguished colleague from Massachusetts and the chairman of the Merchant Marine and Fisheries Committee.

Included in this amendment—which seeks to waive the Jones Act statutes to allow a number of vessels to participate in coastwide trade—are two beautiful and historic sailing yachts currently anchored in the waters of my home State of Rhode Island.

I would like to take just a moment to briefly share the history of these unique and historic vessels.

Shamrock V and *Endeavour* are the only remaining J–Class sloops, a class of enormous sailing yachts built in the 1930's.

These 130-foot classic sailing yachts, with masts that soar 165 feet above the water line,

have a displacement of 150 tons and travel at speeds upwards of 12 knots. To see them on the waters of Narragansett Bay is to witness a brilliant combination of grace and power.

Both *Shamrock V* and *Endeavour* dominated the British racing scene from the time of their launch until the advent of World War II, and competed in the America's Cup races in 1930, 1934, and 1937.

And while *Shamrock V* was fortunate to have a series of subsequent owners who cared for her, it is a miracle that *Endeavour* is even afloat today. She passed through several owners and was nearly demolished and left for scrap on a number of occasions.

In 1984, as she sat in an abandoned seaplane base in southern England, *Endeavour* was purchased by a new owner who truly appreciated the elegance of the J–Class sloops, and an extensive 5-year restoration effort was launched.

In 1989, for the first time in 52 years, *Endeavour* sailed again.

I am proud to speak on behalf of each of these yachts, both of which have strong ties to Newport, RI, a town which has a long tradition of maritime activity, and is affectionately known as the Sailing Capital of the World.

Mr. Speaker, passing this amendment will allow thousands of people to enjoy these vessels and become part of their rich and distinguished history.

I urge my colleagues to support this amendment.

□ 1530

The CHAIRMAN. The question is on the amendments offered by the gentleman from Massachusetts [Mr. STUDDS].

The amendments were agreed to.

Mr. TORKILDSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the distinguished chairman of the Committee on Merchant Marine and Fisheries in a colloquy.

Mr. Chairman, section 415 of H.R. 4422, the Coast Guard Authorization Act of 1994, transfers Cape Ann Lighthouse on Thatchers Island, MA, from the Coast Guard to the town of Rockport, MA. That section provides that the ownership of the lighthouse will revert to the United States if the property ceases to be maintained in a manner consistent with the National Historic Preservation Act of 1966.

Cape Ann Lighthouse is only accessible during part of the year, usually by helicopter, because of weather conditions in the area. I am concerned that, despite a good faith effort to comply, accessibility problems may prevent technical compliance with the Historic Preservation Act at Cape Ann Lighthouse. Weather permitting, I am assured that the town of Rockport will make any necessary repairs to keep the lighthouse in compliance with the Historic Preservation Act.

Am I correct in assuming that a good faith effort to comply with the National Historic Preservation Act will be sufficient to comply with the terms of conveyance under section 415 of H.R. 4422?

Mr. STUDDS. Mr. Chairman, if the gentleman will yield, my part here is very modest. The gentleman from Massachusetts [Mr. TORKILDSEN] is correct.

Mr. TORKILDSEN. Mr. Chairman, I thank the gentleman from Massachusetts.

AMENDMENT TO THE AMENDMENTS OFFERED BY MR. STUDDS

Mrs. BYRNE. Mr. Chairman, I offer an amendment to the amendments offered by the gentleman from Massachusetts [Mr. STUDDS].

The CHAIRMAN. The Chair rules that the amendment offered by the gentleman from Massachusetts has already been adopted.

PARLIAMENTARY INQUIRY

Mr. STUDDS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STUDDS. Mr. Chairman, would it be in order to propound a unanimous consent request to make such an amendment in order? We did not know this amendment was drafted as an amendment to the amendments.

The CHAIRMAN. Will the gentleman submit to the Chair a unanimous consent request?

Mr. STUDDS. Mr. Chairman, I ask unanimous consent that the proceedings wherein the amendments were adopted be vacated for the purpose of the consideration of an amendment to the amendments offered by the gentlewoman from Virginia [Mrs. BYRNE].

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read as follows:

Amendment offered by Mrs. BYRNE to the amendments offered by Mr. STUDDS: At title 10, section 1001, insert the following paragraph:

"(48). *Too Much Fun* (United States official number 936565).".

Mrs. BYRNE. Mr. Chairman, my amendment will help a small business which has been held back by redtape and bureaucracy.

This business is owned by two brothers, Chip and Curtis Fredericks.

The Fredericks brothers grew up along the east coast and spent their childhoods working on ships. A few years ago, they decided to pursue a lifelong goal and start a charter boat business on the Atlantic Ocean.

Chip and Curtis went up to Maryland to purchase a boat from a dealer who they believed to be reputable. The dealer told them that the craft could serve as an excellent charter boat and could be licensed for commercial and charter uses. Chip and Curtis laid down almost $200,000 of their life's savings for the boat, and got set to start their business.

Chip and Curtis then learned that their new boat, while in good overall shape, was not properly equipped to be a commercial vessel. The dealer never told them this. Chip and Curtis completed these improvements with American-made products, which cost them another $75,000, making their total investment over a quarter of a million dollars. Thinking they were ready to get their venture moving, they hired a crew and support staff.

However, when Chip and Curtis went to have their ship licensed for commercial use, the Coast Guard turned them down because of the boat's foreign-made hull. Chip and Curtis, who had been told by the dealer that the hull would not prevent the boat from being licensed, sought him out to rectify the situation. When they went back to Maryland, they could not find him, and he has since disappeared without a trace.

While the Coast Guard rejected this boat because it was foreign-made, this supposedly foreign boat has—these don't sound like foreign-made products to me, and they certainly don't to Chip and Curtis Fredericks.

Meanwhile, Chip and Curtis' potentially vibrant business has been placed on indefinite hold, and these two entrepreneurs may be forced to close shop permanently because they cannot license their boat without a Jones Act waiver. Already, the lucrative spring and summer seasons have passed by with Chip and Curtis stuck in drydock. They have been forced to lay off several employees and have watched their $250,000-investment go down the drain.

If you have any doubts about the Fredericks brothers' determination and commitment to getting their business started, just ask the members of the Merchant Marine and Fisheries Committee. Yesterday, Chip Fredericks took the time to travel up to Capitol Hill to speak in person to as many members of the committee as possible about his ship. To Chip and Curtis Fredericks, the Jones Act restriction is not an abstract legal technicality, but a very real roadblock that has turned their dream of starting a ship business into a nightmare. This business is their livelihood, and it would be a tragedy if it was ruined by government redtape and congressional indifference.

We all recognize the need to support our Nation's commercial maritime industry as it fights foreign competition and job losses. But when you consider that Chip and Curtis Fredericks made a sizable investment into a ship they bought with misleading information, in order to start a venture that will create American jobs, getting this boat licensed for commercial use just makes sense.

Today, we have an opportunity to strike a blow for an American business and against government bureaucracy and delays. I urge my colleagues to support this amendment to help Chip and Curtis Fredericks realize their lifelong dreams.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE] to the amendments offered by the gentleman from Massachusetts [Mr. STUDDS].

The amendment to the amendments was agreed to.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Massachusetts [Mr. STUDDS] as amended.

The amendments, as amended, were agreed to.

AMENDMENT OFFERED BY MR. FIELDS OF TEXAS

Mr. FIELDS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS of Texas:

At the end of title IV, add the following new section:

SEC. . COST ACCOUNTING FOR HAITIAN OPERATIONS.

(a) No later than 30 days after enactment of this Act, the Secretary of Transportation shall submit a full accounting of all Coast Guard costs related to Haiti during Fiscal Year 1994 to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the Committee on Commerce, Science, and Transportation in the Senate. This accounting shall include numbers of Coast Guard personnel involved, the numbers of Coast Guard vessels involved, and the amount of funds diverted from other Coast Guard missions.

(b) Until all U.S. military operations in Haiti cease, the Secretary of Transportation shall submit monthly reports on all Coast Guard costs related to Haiti to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the Committee on Commerce, Science, and Transportation in the Senate.

Mr. FIELDS of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FIELDS of Texas. Mr. Chairman, this amendment simply requires the Secretary of Transportation to submit to the oversight committees in the House and the Senate a full cost accounting of all the Coast Guard costs related to Haiti during fiscal year 1994 and 1995.

I have been disappointed with the estimates I have received on Coast Guard costs associated with Haiti, because they do not reflect the full costs of Haitian operations. The Coast Guard has been forced to divert substantial funds from drug interdiction and other law enforcement missions to increase the resources devoted to operations related to Haiti. We need complete and up-to-date information on these costs to adequately assess the effectiveness of the Coast Guard missions in Haiti.

Amendments of this type requiring routine information from the executive branch should not be necessary, but unfortunately, I have had a difficult time receiving timely and complete information from the administration concerning the Coast Guard's involvement in Haiti.

I hope that the monthly cost updates required under this amendment will not be necessary for many months, because I hope the President will pull out United States troops from Haiti as soon as possible. In the meantime, we must have an accurate cost accounting to assess the benefit of the President's policy in Haiti to the American public.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Texas. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, we are prepared to accept the amendment offered by the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Chairman, I thank the chairman of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. FIELDS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 37, after line 18, add the following new section:

SEC. . SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) of the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I want to commend this committee on section 311, the buy-American requirements for surface search radar systems, and also for section 417, for prohibition on overall repair and maintenance of certain Coast Guard vessels and foreign shipyards, except for emergency needs.

Mr. Chairman, I concur with what the gentleman said. If every committee showed the bipartisan fair play that he has, we not only could conduct our business much quicker, we would help the American people much more.

I say to the gentleman, "My buy-American amendment is standard, Mr. Chairman. It's significant and the same that you have had in the past, and I ask that it be accepted."

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, anyone prepared to praise the committee to that extent has an acceptable amendment.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, I appreciate the gentleman from Ohio [Mr. TRAFICANT] bringing his amendment to the floor today, and, as he said, it is standard, and so what I am going to ask him today is if he could tell us what the real purpose of this amendment is.

Mr. TRAFICANT. Mr. Chairman, hopefully there will be a few extra jobs, and a little bit of the money that is expended in this bill will go to buying some American-made products, without being protectionist, but being helpful for our economy and the working man in our country, which certainly the ranking member has always been a proud sponsor of these types of amendments.

□ 1340

Mr. FIELDS of Texas. If the gentleman will yield further, I want to say to the gentleman that I think what he does on each piece of legislation is not standard. I think it is very important. I think the gentleman has made a reputation in the House for himself standing up on this particular matter, and I just want to give him an opportunity to stand up and tell us why he does this each time. Again I want to say I applaud what he does. I support it.

Mr. TRAFICANT. I appreciate all the help over the years the gentleman has given.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS: Page 37, after line 18, add the following:

SEC. . SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

Mr. GOSS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GOSS. Mr. Chairman, this is a very straightforward amendment. I believe it is noncontroversial. The same provision was signed into law as part of last year's Coast Guard authorization. All that is changed is the page number. It simply says when we give the Coast Guard extra missions, beyond their normal functions, we should provide the extra funding needed to carry those missions out.

Certainly no Department or Agency can be immune from belt-tightening, but the belt around the Coast Guard already is in the last notch. Even with a 4 percent increase over last year's funding levels, the fiscal year 1995 level will mean a $100 million cut in current services, which will include separating 1,100 personnel and 1,000 reservists, closing 14 search and rescue stations, and ending the Boat Safety Grant Program—one of the few Government programs that actually works. Add to this equation the extra responsibilities so often heaped upon a willing but underfunded Coast Guard and you have a serious dilemma.

Most recently, the Coast Guard has been called to serve in an extra mission in the Caribbean. Since January, the Coast Guard has rescued 24,733 Haitians who were part of the mass exodus unleashed earlier this year by the combined impact of the embargo and the ever-evolving back and forth refugee policies of the White House.

When Fidel Castro seized the opportunity to manufacture a refugee crisis of his own in nearby Cuba, the Coast Guard found themselves with 37,074 Cubans to bring to safety. At the height of this refugee crisis, it was reported that every major cutter from the east coast had been committed to operations in the Caribbean and some vessels had even been pulled from Pacific Northwest fisheries duties to fill in the gaps.

The Cuban search and rescue mission alone occupied more than 30 Coast Guard cutters. Last year, the incremental cost figure for Haitian interdiction in the windward passage was $11.2 million. This year, although we have yet to receive a firm cost estimate for either the Haiti or the Cuba operation, we can expect the costs to run much higher. This week, the Coast Guard picked up a new role—port security for the United States occupation of Haiti. All of this paints a pretty clear picture of how the smallest of our Armed Forces has been repeatedly called upon to carry out extraordinary duties which are generally not anticipated in the authorizations and appropriations we pass here.

All indications are that this trend will continue, but without more realistic funding something will eventually have to give. I don't believe that most Americans are willing to give up on ongoing drug interdiction operations, search and rescue operations, fisheries law enforcement, navigable waterway management or any of the other vital operations the Coast Guard performs.

While I know this amendment is not the solution to the Coast Guard's budget shortfalls, it is after all nonbinding and was largely ignored by the Clinton administration in the past year. But it is important because it puts Members on record in support of a policy of providing adequate funding when we add to the list of missions. Perhaps next year, we can work to go beyond such a policy statement and actually make it stick.

I urge Members to once again support this amendment as a useful first step along this path. But for now what better way to stand behind our heroic Coast Guard engaged in dangerous work in the nearby Caribbean than to say we are going to provide the necessary resources for you to carry out these tough missions.

Mr. Chairman, I would like to say at this time that I want to associate myself with the remarks of the gentleman from New Jersey [Mr. HUGHES] about the bipartisanship and leadership of the Committee on Merchant Marine and Fisheries. I used to serve on that committee, and I enjoyed that very much. The difference between the partisanship or the lack of partisanship on that committee and the Committee on Rules is indeed something to behold. I commend the gentleman from Massachusetts [Mr. STUDDS], the chairman, and the ranking member, the gentleman from Texas [Mr. FIELDS] for the work they are continuing to do. I hope they will support my amendment.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, the gentleman is welcomed back at any time that he cannot stand the third floor. I think the gentleman's proposition in this amendment is unarguable. We are proud to support it.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Florida. The Coast Guard has been forced to divert substantial resources from other missions this year to engage in different activities related to Haiti. We have not received a full accounting for these costs, but I urge the President to quantify the costs of the Haitian operation for the Coast Guard, and to request funding to restore the Coast Guard funds diverted from other missions, especially drug interdiction.

Drug interdiction resources in the Caribbean have been strained to the extent that the Coast Guard was unable to respond to 11 possible drug incidents earlier this month. I am concerned that we have seriously compromised the ability of the Coast Guard to protect our shores from drug smugglers. This is a national security problem that deserves our immediate attention.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The amendment was agreed to.

Ms. FURSE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as a member of the Merchant Marine Committee, I rise to express my strong support for H.R. 4422.

Mr. Chairman, in the First District of Oregon, we greatly appreciate the presence of the Coast Guard in Astoria. We recognize and heavily rely on the marine safety assistance services it provides. This agency carries a heavy burden of responsibilities on its shoulders: search and rescue operations, boating and environmental safety, drug interdiction, and the enforcement of a multitude of laws and treaties governing the high seas, among others. Too often, we take for granted the role of this extremely valuable agency.

I am pleased to add my voice to the support expressed by my colleagues for the fiscal year 1995 authorization for the Coast Guard.

In past years, this agency has consistently been underfunded. It has been caught in a no-win situation. Since the Coast Guard has done a good job on a bare bones budget, we continue to heap more responsibilities upon them without any additional funds to carry out these new duties. If the Coast Guard has been able to do a decent job on constant underfunding, imagine what they could accomplish with adequate resources.

It's time to give the Coast Guard what they need to do their job. The work they do is essential to our coastal communities and our entire Nation. I urge my colleagues to support H.R. 4422.

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows.

Amendment offered by Mr. HOYER: At the appropriate place in the bill, insert the following:

SEC. . PLAN FOR RESCUE OF PASSENGERS ON THE CHESAPEAKE BAY.

(a) The Secretary of the department in which the Coast Guard is operating in consultation with officials of the States of Maryland and Virginia, and other interested persons, shall develop and submit to Congress by March 30, 1995, a plan for the rescue of persons transported on passenger vessels or small passenger vessels on the Chesapeake Bay.

(b) The plan developed in subsection (a) shall include:

(1) a protocol for command, control, and communications among federal, state, and local authorities;

(2) a protocol for training exercises to prepare for an emergency rescue on the Chesapeake Bay;

(3) an identification of emergency medical personnel that would be available for an emergency rescue on the Chesapeake Bay;

(4) an identification of procedures to be followed and equipment that would be needed in the event of weather that could result in hypothermia of the passengers; and

(5) a study by the Coast Guard examining the feasibility of locating a helicopter station on the Chesapeake Bay and in developing mutual aid agreement with appropriate federal, state and local agencies to improve helicopter response time.

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, I rise in strong support of the Coast Guard reauthorization and congratulate Chairmen TAUZIN and STUDDS on their hard work.

Today, I am offering an amendment in response to a tragedy which occurred last December when a charter boat sank in the Chesapeake Bay after leaving from a marina in my district.

Despite the mobilization of the Coast Guard, Navy, State, and local resources three people died. I believe that we can improve emergency response to such disasters, and I am offering this amendment to do just that.

Briefly, my amendment would direct the Coast Guard, in consultation with the States of Maryland and Virginia, to develop a plan for rescuing people from the Chesapeake Bay. The plan calls for developing five important protocols for the Coast Guard to follow. They are as follows:

First, a protocol for command, control, and communications among the various Federal and State agencies.

Second, a protocol directing coordinated training exercises among these agencies.

Third, a protocol identifying emergency medical personnel available for response to such disasters.

Fourth, a protocol identifying the procedures and equipment needed to treat hypothermia cases.

Fifth, and finally, a protocol directing the Coast Guard to report on the feasibility of locating a helicopter station on the Chesapeake Bay and in developing mutual aid agreements with appropriate Federal, State, and local agencies to improve helicopter response time.

I hope my colleagues will support this amendment so that we can be assured that future rescue operations will be equipped, and prepared for future disasters.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, we have had an opportunity to review the amendment on this side of the aisle. We find no problem. We just wonder why it is not already being done. We appreciate very much the gentleman bringing this to our committee's attention and bringing it to the floor today. We are happy to support it, and urge Members to support it.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, those from coastal districts are all too familiar with this sort of tragedy. I am delighted to support the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

The amendment was agreed to.

□ 1550

Mr. HOCHBRUECKNER. Mr. Chairman, I move to strike the last word.

I rise today to commend my colleagues, Mr. STUDDS, Mr. TAUZIN, Mr. FIELDS, and Mr. COBLE for their work on the Coast Guard Authorization Act.

This bill includes the transfer of Light Station Montauk Point, in Montauk, NY, to the Montauk Historical Society.

The Montauk Point Lighthouse was commissioned by President George Washington in 1796 and was completed in 1797. The Montauk Point Lighthouse was the second public works project undertaken by the U.S. Government. It has served ever since as the marker for the first land encountered by ships headed for New York Harbor, Long Island Sound, and other ports along the eastern seaboard.

The Montauk Historical Society has done a heroic job of maintaining and preserving the lighthouse in cooperation with the Coast Guard. Their efforts both in fundraising and in protecting the lighthouse have literally kept it from falling into the sea. So it is only fitting that they should now own it and preserve its integrity for future generations. Under my amendment which was adopted by the Merchant Marine and Fisheries Committee, the U.S. Coast Guard will still be responsible for maintaining the light, sound signal, and other equipment which aid navigation.

I urge my colleagues to support H.R. 4422.

Mr. FIELDS of Texas. Mr. Chairman, I move to strike the last word.

I just want to take a quick moment to thank the gentleman from Massachusetts [Mr. STUDDS], the gentleman from Louisiana [Mr. TAUZIN], and my ranking minority member, the gentleman from North Carolina [Mr. COBLE].

Once again, this legislation has been crafted in a bipartisan manner. There was a great deal of encouragement from a number of Members. We feel that this is a good piece of legislation. I would not tell anyone it is a perfect piece of legislation, but once again, I think it is a piece of legislation representative of the Committee on Merchant Marine and Fisheries, a piece of legislation that has been crafted in a bipartisan concensual manner.

I just want to pay the highest compliment to the chairman in the way in which he conducts himself and the committee.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Texas. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I would like to reciprocate those feelings in that respect. It is a source of great pride, in this particularly contentious time where partisan nerves are so frequently and so severely frayed, to work in the fashion that this committee works.

I also would like to point out that the harmony and tranquility which has been observed on the floor, as almost a dozen amendments here, plus or minus, have been adopted in a bipartisan fashion which does not happen by accident.

It reflects a great deal of work on the part of members who never speak on this floor, at least not ordinarily, and that is the staff, both majority and minority staff. It takes a lot of work to make things look as easy as the bipartisan spirit of this committee can so frequently do.

I reciprocate the gentleman's remarks. It is a joy and real pleasure to work with him.

The CHAIRMAN. Are there any further amendments to the bill?

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HEFNER) having assumed the chair, Mr. DARDEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes, pursuant to House Resolution 535, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STUDDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 402, nays 13, not voting 19, as follows:

[Roll No. 437]

YEAS—402

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coppersmith
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—13

Costello
Duncan
Ewing
Gutierrez
Hancock
Johnson, Sam
Lipinski
Penny
Petri
Poshard
Sangmeister
Sensenbrenner
Stump

NOT VOTING—19

Carr
Cooper
Gallo
Gibbons
Green
Herger
Inglis
Inhofe
Levy
McCurdy
Quillen
Rangel
Ridge
Serrano
Slattery
Sundquist
Tanner
Washington
Whitten

□ 1626

Mr. GUTIERREZ changed his vote from "yea" to "nay."

Mr. HOAGLAND changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, due to appointments with constituents and a series of previously scheduled town meetings, I was unable to register my votes on three occasions.

On September 20, rollcall votes No. 425 and No. 426, I would have voted "yea" on both;

On September 22, rollcall vote No. 437, I would have voted "yea."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4422, COAST GUARD AUTHORIZATION ACT OF 1994

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill, H.R. 4422, including corrections in spelling, punctuation, section numbering, and cross-referencing.

The SPEAKER pro tempore (Mr. DARDEN). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4422, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4539, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Thursday, September 22, 1994, to file a conference report on the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes.

I have discussed this matter with the ranking member of the Committee on Appropriations and the ranking member of the subcommittee and I understand there is no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MAKING IN ORDER ON FRIDAY, SEPTEMBER 23, 1994 OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 4539, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. HOYER. Mr. Speaker, I ask unanimous consent that it be in order on Friday, September 23, 1994, or any day thereafter, to consider the conference report on the bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as having been read when called up for consideration.

Mr. Speaker, I have discussed this matter with the ranking member of the Appropriations Committee and the ranking member of our subcommittee and I understand there is no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. LIGHTFOOT. Mr. Speaker, reserving the right to object as the chairman indicated, we have discussed this and the minority has no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1630

WILLIAM H. NATCHER BRIDGE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 4980) to designate the bridge on United States Route 231 which crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge", and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BISHOP). Is there objection to the request of the gentleman from West Virginia?

Mr. PETRI. Mr. Speaker, reserving the right to object, I do not intend to object, but I yield to the chairman of the Subcommittee on Surface Transportation for an explanation of the bill.

Mr. RAHALL. Mr. Speaker, if the gentleman would yield, this legislation would designate a bridge on U.S. Route 231 which crosses the Ohio River in the vicinity of Owensboro, KY, as the "William H. Natcher Bridge."

This bridge is currently under construction due to the efforts of the late and great chairman of the Appropriations Committee, the distinguished gentleman from Kentucky.

I think all of us in this body would agree that Mr. Natcher's distinguished service to this Nation, and to the people of the Second Congressional District of Kentucky, merits in the very least some type of official recognition.

The pending legislation reflects the wishes of the Kentucky delegation to this body, and I believe, of us all, to in some small way provide this recognition. That completes my explanation of the pending matter.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I yield to our colleague, the gentleman from California [Mr. MINETA], the chairman of the full committee.

Mr. MINETA. Mr. Speaker, it is with a great deal of pride that I support the consideration of H.R. 4980. This legislation acknowledges the contribution of one of our dear friends and colleagues, William H. Natcher of the State of Kentucky, by designating the bridge on U.S. Route 231 crossing the Ohio River between Maceo, KY, and Rockport, IN, as the William H. Natcher Bridge. It is only fitting and proper that a major infrastructure project serve as a long and lasting monument in honor of Bill Natcher. He worked closely with the Committee on Public Works and Transportation to provide funding for the construction of this ongoing project that is nearing completion.

For over 40 years, Bill Natcher worked tirelessly to serve his constituents and the Nation. His public service record is exemplary with having never missed a day of work and with having cast 18,401 consecutive roll call votes until advised by his physicians to remain at the Bethesda Naval Hospital to receive medical treatment.

Mr. Speaker, more importantly, the character of the gentleman is what set him apart from many of his colleagues. He was a courteous, dignified, and considerate human being who we all loved and respected. Throughout Bill Natcher's tenure in the House, he enjoyed tremendous respect. He exhibited true leadership virtues during his service as chairman of the Subcommittee on Labor, Health, and Human Services and Education and as chairman of the Committee on Appropriations. Under his tenure, all 13 appropriations bills were enacted on time, without the need for a continuing resolution.

In the 103d Congress, I worked closely with the gentleman from Kentucky and was extremely proud of his willingness to work together to support legislation that maintained the integrity of the legislative process.

Mr. Speaker, it has been an honor and privilege to have served for over 19 years in the House with my friend and colleague, Bill Natcher. I am pleased to support enactment of this legislation to help recognize his tremendous work for the State of Kentucky, its Second District, and the Nation, and I urge passage of the bill.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I yield to the author of the bill before us, our distinguished colleague, the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Speaker, I thank my colleague for yielding. Mr. Speaker, I want to thank the chairman of the Public Works Committee, Mr. MINETA, and the ranking member, Mr. SHUSTER, for their support of this resolution, H.R. 4980. And I also want to thank the chairman of the Surface Transportation Subcommittee, Mr. RAHALL, and Mr. PETRI, the ranking member, for their cooperation and joint efforts to bring this bill to the floor in such an expedient manner.

My legislation serves as a tribute to the dedication, caring, and hard work of my predecessor Mr. William H. Natcher. H.R. 4980 will officially give credit to Mr. Natcher for his efforts to begin and continue the construction of the bridge connecting Rockport, IN, to Owensboro, KY.

Back home, the folks in Kentucky have already designated this bridge in honor of Mr. Natcher. But here in Washington, we have never formally honored Congressman Natcher in this way.

Mr. Natcher was dedicated to this project due to the benefits it would bring to the people of the Second District. He guided this project through Congress and laid the groundwork to assure its completion. And now we have the opportunity to recognize his efforts at the Federal level and provide a visible reminder of this great statesman and a true friend of the Second District.

Again, I am pleased that this legislation honoring Mr. Natcher has been able to move so quickly through the legislative process. I think this is a true statement about this Chamber's feelings for Mr. Natcher. He is revered by every Member from both sides of the aisle and I am pleased that we have joined together for this fitting tribute.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I yield to our colleague, the dean of the Kentucky delegation, the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I would like very much to thank my friend and colleague, the gentleman from West Virginia, for having brought this bill to the floor, and my friend, the gentleman from Wisconsin [Mr. PETRI] for having yielded me this time in order that I might rise and say a few words in behalf of the bill introduced by my friend and colleague, the gentleman from Kentucky [Mr. LEWIS], on behalf of Congressman Natcher to name the bridge from Rockport to Maceo as the William H. Natcher Bridge.

Any one of us who has served with Bill Natcher knows and remembers him as one of the great people of this Chamber in its history. It was my privilege to work with him for almost 24 years, and his loss is certainly a loss to the Chamber and to the Commonwealth of Kentucky.

Naming this bridge will for many people be a reminder on a daily basis of just who Bill was and what he did for the Commonwealth.

So I want to thank everyone for making this day possible and join with my colleagues from the Kentucky delegation in speaking for this bill.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I yield to the Republican dean of the Kentucky delegation, the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of this resolution and want to commend my colleague, the gentleman from Kentucky [Mr. LEWIS], the sponsor of the bill and the holder of the Second Congressional District seat Mr. Natcher held for so many years, and to commend the chairman, the gentleman from West Virginia [Mr. RAHALL], and the ranking member, the gentleman from Wisconsin [Mr. PETRI] for expeditiously bringing the matter to the floor.

This is a fitting tribute to our former colleague and our dear friend, Bill Natcher, who worked tirelessly for this project for many years. Bill Natcher was, and always shall remain, one of the most, if not the most, respected Member of this body. He was the kind of Representative that all of us aspire to, and I think that is everybody in the room. A man of impeccable integrity, fairness, he had a tremendous sense of right and wrong. He possessed the moral courage to follow those beliefs, most importantly.

As chairman of the Committee on Appropriations and as a longtime member of that committee, in fact, he was elected to the Committee on Appropriations in his second year in this House and served as chairman of the D.C. Appropriations Subcommittee for 18 years before becoming chairman of the Labor, Health and Human Services Subcommittee, and then rose to chairman of the full committee in December 1992.

This memorial, on this bridge, will be a fitting tribute to Bill Natcher. There are many other tributes that I hope that we bestow upon his memory, and I think that we will, but certainly this tribute that thousands of people will see daily entering his old district will always be a reminder of the tremendous service that this great patriot gave to our Nation and to his beloved Kentucky and to his district for so many working years.

Again, I want to congratulate our colleague, the gentleman from Kentucky [Mr. LEWIS], the sponsor of this bill to which all of the Kentucky delegation are cosponsors, for bringing this bill up, and the chairman and the ranking member for giving it to the body.

I rise in strong support of the resolution.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I yield to my colleague, the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Speaker, I rise in support of the unanimous-consent request to pass H.R. 4980, a bill naming the bridge at Owensboro, KY, after our beloved colleague, William H. Natcher.

The Kentucky Post, the largest newspaper in my district, recently called Bill Natcher, "Capitol Hill's Man of Steel."

They were, of course, referring to the 40 years during which Bill Natcher never missed a day of work, the 40 years that Bill Natcher never missed a recorded vote.

The 40 years of unblemished, untarnished, and unquestioned integrity that Bill Natcher devoted to public service.

And I think that Capitol Hill's Man of Steel is a very good way to remember Bill Natcher.

He was a man of steel when it came to his commitment. It never faltered. For 40 years, while nine Presidents came and went; while seven Speakers in the House came and went; Bill Natcher was there, day in and day out, quietly going about the business of doing the people's business.

And that is why I think it is also very appropriate for us, today, to dedicate the bridge at Owensboro, KY, after this great man. What better way to remember Capitol Hill's Man of Steel than to give his name to a Span of Steel.

Mr. Natcher worked hard to get this project started for his constituents. It would be a fitting tribute to name it in his honor; the William H. Natcher Bridge.

Again, I urge my colleagues to join me in supporting this unanimous-consent request—it is a fitting tribute to a great man.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I yield to our colleague, the gentleman from Kentucky [Mr. BARLOW].

Mr. BARLOW. Mr. Speaker, Mr. Natcher was one of the great men of American history and will continue to be one of the great men of American history down through the years.

I commend my colleague from the second district who has sponsored the naming of the bridge there at Owensboro, going over into Indiana, after William H. Natcher.

You know, it is the public works of our great Nation that bind us together as a people, all 435 congressional district, all 50 States.

Public works are good works. Public works today are much maligned.

□ 1640

But let us look back over the years, over the decades to how they have transformed us into a Nation with the strongest economy in the world, with a people who are the most well off in the world.

It is public works that truly have bound us together, and it is fitting that this bridge binds two great States, Indiana and Kentucky.

I look forward to the years of my work in Kentucky using this bridge and remembering Mr. Natcher.

Mr. Speaker, a bridge is a mighty thing, but the water system of the smallest town in Mr. Natcher's district was as important to Mr. Natcher as this bridge, as he told me when I first came here.

Let us remember that as we all look ahead.

Mr. PETRI. Mr. Speaker, reclaiming my time, I yield to our colleague from Louisiana, the gentleman who served with Mr. Natcher on the Committee on Appropriations for many years, the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. I thank the gentleman for yielding.

Mr. Speaker, I commend the gentleman from the Second District of Kentucky for this bill, for his sponsorship of this bill. I just rise in support of it.

Frankly, there will not be a single Member of this House who will oppose it because indeed Bill Natcher was one of the finest gentlemen who has ever passed through the Halls of Congress. He was a statesman, a gentleman, a man of integrity, a man with whom I had the great honor of serving for 17 years in the House of Representatives. Since 1980 until his unfortunate death I served with him on the Appropriations Committee.

I never saw Bill Natcher riled, I never saw him at odds with any Members. He was always in full control of himself, of his committee, of his Subcommittee on Health and Human Services.

Mr. Speaker, I had the luxury and the great fortune to serve with him for only 2 years on the Subcommittee on Labor, HHS. I just want to say that he was indeed that he was the epitome of the finest type of legislator that any one could imagine. He was the ideal, he was the goal, he was the mentor for those of us younger Members who were struggling and coming along.

So I enthusiastically applaud this bill and wholeheartedly endorse it and wish the very, very best to Bill Natcher's family and to all of the people of Kentucky as they enjoy the benefits of this great bridge named after Congressman William Natcher.

Mr. PETRI. Mr. Speaker, reclaiming my time, you have heard from many other colleagues about William Natcher. I can only say for myself that he set a very high standard of public service.

He was really an inspiration to this Member and many others who, when we arrived here, discovered that this institution sometimes was not the way we had learned about it or the way that it was portrayed about in the national media. In fact, it was filled with many, many Members, in both parties, who put a very high value on public service, set very high standards for themselves and who felt they were doing the best they could to uphold the Constitution and the ideals that our Founding Fathers set forth. We have tried to implement them over the years and have contributed in some ways to making this the Great Republic that it is.

Bill Natcher, every day that he served here, to the best of my understanding, kept a diary. I predict as future generations look back on this era, his diary will be a scholar's treasure that will help people understand the actual workings of the Congress of the United States, its House of Representatives, and the many issues he was involved in during his decades of service in this institution. It is just one more contribution he has made to this country.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BISHOP). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The bridge on United States Route 231 which crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, shall be known and designated as the "William H. Natcher Bridge".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the bridge referred to in section 1 shall be deemed to be a reference to the "William H. Natcher Bridge".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each:

THE CONTINUING SITUATION IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I have come many time to the well in the past several months to talk about the situation in Haiti. It is a continuing situation. Frankly, we are getting more news from Dan Rather about what is going on down there, more accurate information than we are getting from the administration up here, despite the fact we had a briefing earlier this week from former President Carter, General Powell, and Senator NUNN and the Secretary of Defense and Secretary of State.

But events are moving very rapidly, as we can see. I think a number of things are called for. First of all, I hope that the President of the United States will give us an explanation of some of the things he said last Thursday night a week ago when he spoke to the Nation on prime time.

Mr. Speaker, I note that many of those within the beltway are very troubled about some of the things in that speech. I go to Bob Novak's column in the Washington Post. I will quote from that.

Apparently, Mary McGrory was in attendance at the press conference. Mary McGrory asked the President the question:

> You accused the military leaders in Haiti of maintaining a reign of terror. You said they were responsible for 2,000 deaths. Why did you accept an agreement that allows them to stay in Haiti and perhaps run for elected office there?

Now, reading on in Mr. Novak's column, he says:

> The President stumbled through his answer but the truth is that he had been spreading unverified propaganda, and now he was dealing with the real world.

I think there are an awful lot of people worried that perhaps our State Department and our White House, and our Defense Department, our National Security Council, have been taken in by some propaganda. Certainly there is plenty of propaganda in play because passions are running very high on either side, whether it is the pro-Aristide side or the pro-junta side. Unfortunately, nobody is talking to the middle ground. The people who advocate a positive, responsive, moderate reaction to what is going on down there. We have people in Haiti who are ready to play that role, and they are called properly elected and democratic members of their congress, as it were, parliamentarians, deputies of those chambers. I think there are things in the President's speech that are going to need justification. People in America are asking why do we have the most brutal dictator in the western hemisphere last Thursday night who is suddenly working with our military, trying to deal with the situation in Haiti in this process now? Why did the President say there were 300,000 Haitians hiding in the countryside who were about to become refugees? Perhaps suggesting we need to be worried in Florida that somehow 300,000 more refugees were going to get into leaky boats and come across the water into the United States illegally.

□ 1650

Why did the President say that invasion was the only solution? All means had been exhausted? We were going to have an invasion because there was no other course for America? I think those are explanations that need to be made by the White House to the people of this country, and I also think they need to be made to the Congress of the United States. It seems to me Congress has the job of not only legislation, but of oversight, and I think that the White House has overlooked some of the things that we should apply some oversight to.

I would like to know what our policy is trying to accomplish right now in Haiti. We read of problems with our rules of engagement, soldiers not quite sure whether they are supposed to do something or not do something when they see a situation of violence. We see that the rules of disengagement, how are we going to get out, when are we going to get out, are very much up in the air. We read a statement in today's paper, and I am quoting from the New York Times:

> Pentagon officials said it was because they had not yet had time to come to grips with the complexities of rules of engagement that had been rewritten only a few dozen hours earlier which is why nobody really knew what we were supposed to do if our troops witnessed violence down there.

The whole question of the sanctions on the embargo which was supposed to have been lifted, we are now told we cannot lift the embargo until the U.N. says it is OK, and the U.N. will not say it is OK until Aristide returns, but Aristide will not return until the generals have left. The generals will not leave until they have been granted amnesty, and the Aristide people will not grant them amnesty. That is the ultimate catch-22.

So, instead of a workable accord, we now got a bilateral catch-22 that is being supervised by the United Nations. That is no formula for success when we have men and women in uniform in harm's way.

I see my distinguished colleague, the gentleman from California [Mr. DORNAN] is present in the Chamber. I yield to him.

The SPEAKER pro tempore (Mr. BISHOP). The time of the gentleman from Florida [Mr. GOSS] has expired.

HONORING CHIEF MASTER SGT. DAVE HART ON HIS RETIREMENT FROM THE MISSISSIPPI AIR NATIONAL GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to take this time to recognize Chief Master Sgt. David Dan Hart of Brandon, MS, who is retiring from the Mississippi National Guard after 30 years of service.

Chief Master Sergeant Hart is the Mississippi Air National Guard senior enlisted adviser, the Adjutant General's Office, Jackson, MS. He reviews promotion, retention, and assignment policy, affecting some 2,500 enlisted personnel; conducts counseling and interview sessions through a visitation program to 28 units; and identifies issues and recommends action directly to the appropriate commanders. He maintains liaison between the enlisted personnel and the adjutant general, assistant adjutant general for air, and commander of HQ MS ANG.

Chief Hart was born in Lexington, MS, on December 13, 1943. He graduated from high school in 1961, and has 26 semester hours of college. He completed army basic training and 71H Personnel School in 1965. He completed, in-residence, the ANG Command NCO Academy in 1969, the USAF Recruiting School in 1974, and the USAF Senior NCO Academy in 1978.

He became a member of the Mississippi Army National Guard on March 1, 1964, assigned to Battery C, 114 Field Artillery. After completing basic training and 71H Personnel School, he served in that unit until transferring to the 172 Support Squadron, Mississippi Air National Guard, on April 30, 1965. He served in positions of personnel, training, career adviser, and recruiting, until January 31, 1974 when he was appointed State lead recruiter and transferred to headquarters Mississippi Air National Guard. He was appointed State personnel superintendent on July 1, 1977; transferred to the 172 Mission Support Squadron on June 17, 1989 as the NCOIC of Quality Force; and was appointed quality management specialist, 172 Airlift Group, on March 18, 1993. Chief Hart was promoted on June 5, 1993, and appointed MS ANG senior enlisted adviser on October 1, 1993.

His Federal decorations and awards include the Meritorious Service Medal with first oak leaf cluster, the Magnolia Cross, Air Force Commendation Medal, Air Force Achievement Medal, Air Force Good Conduct Medal, Air Reserve Forces Meritorious Service Medal, National Defense Service Medal, Humanitarian Service Medal, Air Force Longevity Service Award Ribbon, Armed Forces Reserve Medal, NCO PEM Ribbon, Air Force Training Ribbon, and RVN Gallantry Cross with Palm. His Mississippi National Guard decorations and awards include the Magnolia Medal, Medal of Efficiency, War Medal, Emergency Service Medal, Service School Medal, and the Charles L. Sullivan Leadership Award.

Chief Hart is a charter and life member of the Mississippi National Guard NCO Association, the Enlisted Association of the National Guard of the United States [EANGUS], and the ANG NCO Academy Graduates Association; and a member of the Air Force Sergeants Association. His MS NG NCO Association awards include NCO of the Year—1984 and 1987, Meritorious Service Award—1998, Magnolia Minuteman—1989, President's Award—1989, and Auxiliary NCO of the Year—1985, 1987, 1990. He was awarded the EANGUS Distinguished Service Award in 1992.

I want to congratulate Dave Hart on his outstanding career of service to the State of Mississippi and to the country. We will miss his experience and leadership, but he has earned his retirement. I salute him on a job well done.

A 21-GUN SALUTE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I was going to ask my distinguished colleague from Florida about something we were discussing today, the Presidential candidate in Haiti who was beaten to death, lynched, and then, since they could not find a tire to necklace his corpse, had gas poured on him and was set on fire. This was a distinguished Haitian who had been a Presidential candidate against Aristide. Last night I witnessed the following series of film clips, and I cannot designate which network because I was surfing, as they say, from one channel to another.

First of all, I saw a handsome Jamaican soldier at one of the training camps in Puerto Rico. A reporter asked him a key question that I think they should ask every American in this country. The reporter asked, "Are you willing to die for Haiti?"

And this handsome young Jamaican soldier, black of course because Jamaicans are almost exclusively of African heritage, said after a long pause in beautiful King's English; they have got a good school system in Jamaica; "Boy, that's a tough question."

Now I wonder if all of our American marines and soldiers and coast guardsmen and sailors and airmen and paratroopers male and female, I wonder how they would respond after, "Boy, that's a good question."

Following that clip was an intelligent-looking woman in her forties, blond, and I am not sure if she was with Amnesty International or Human Rights Watch, but she was from some human rights group. And she said that an Aristide speech on necklacing got that Presidential candidate, Sylvio Claude, murdered. I am going to memorize part of this speech, but for now I will have to put on my reading glasses and turn to a hard copy. Here is what Aristide said, and I have seen the original French on networks with subtitles. My French is very bad, but this is an accurate translation. On September 27, 1991, Aristide encouraged a rally of his followers to engage in necklacing, which is a type of tortuous death wherein a gasoline filled tire is placed around a victim's neck and set on fire.

Of course, the victim cannot remove the tire because their hands are tied behind their back. Here are Aristide's exact words. As I read them remember that this man was just honored with a 21-gun salute on the Mall Front, the River Front, of the Pentagon, the very hallowed ground where I go to POW/MIA ceremonies. Aristide got a 21-gun salute. The max. That is what we gave Winston Churchill. That is what we gave Menachem Begin, the Queen of England, heads of state from all over the world. A 21-gun salute for a man who said this: "a faker who pretends to be one of our supporters * * * Make sure he gets what he deserves with the tool you have in your hands," and he pointed to a tire. "You have the right tool in your hands, the right instrument. What a beautiful tool we have. What a nice instrument. It is nice. It is chic." That is a direct translation from the French word "chic." "It is chic, it is classy, it is elegant and snappy. It smells good, and wherever you go you want to smell it."

Two weeks ago, Mr. Speaker, Jean-Bertrand Aristide, on a radio station that we make available to him with our tax dollars, told Haitians that he was returning with the help of "enemy" guns.

The enemy he spoke of is the United States of America. How's that for gratitude?

There is a feeling at the Pentagon now that morale has hit a new low. They are down as low as they can get over what the Clinton administration has done to our military. We are now in harm's way again with no credible way to get out. If Clinton pulls out at any time in the next 2 months before the November 8 election day, I say, your party, Mr. Speaker, is going to take it in the chops, and it should because it looks like we cut tail and run.

Are we going to keep soldiers in Haiti through a whole year? That would trap Clinton as Jimmy Carter was trapped by the hostage crisis in Iran. This man, Clinton, has put himself in a tar pit, as I said last night, from which no intelligent person, statesman, politician can see a way out.

I am going to insert in the RECORD Jack Anderson's and Michael

Binstein's article of today in the Post and Bill Safire's article titled, "Jimmy Clinton, II," from the New York Times. As a sinning, but stumbling, loyal Jesuit-educated Catholic, I want to end my remarks by pointing out the following.

To my friend, Pat Buchanan, I did not get to call you today, Pat, I say stop calling him Father Aristide. The Salesians of Don Bosco kicked out Aristide for preaching the righteousness of violence. He is a self-ex-communicated Catholic. He is no longer a priest in the eyes of any practicing loyal Catholic.

A 21-gun salute for this defrocked demagog, Mr. Speaker? Shocking, shameful, disgraceful. People at the Pentagon are hanging their heads. As well they should. They are honorable men being asked to perpetuate a fraud on the American people.

[From the Washington Post, Sept. 22, 1994]

CLINTON TAKES HIS TURN AT A RISKY BET

(By Jack Anderson and Michael Binstein)

Jimmy Carter had the shah of Iran, Ronald Reagan had Deng Xiaoping and George Bush had Saddam Hussein. Now Bill Clinton will have Jean-Bertrand Aristide.

It's been the curse of every recent president to bet on at least one bad horse. From Carter's unwavering support of the shah, to Reagan's break with Taiwan in favor of Deng and Bush's support of Saddam in his war against Iran, each of Clinton's recent predecessors has risked the prestige of the United States on a leader in a Faustian bargain. Aristide could be Clinton's albatross.

Only time will tell if Aristide keeps his promise to step down after his term ends next year. And only time will decide if democracy in Haiti continues after American troops leave.

Yet the history of Haiti, and questions about Aristide himself, suggest the New Haitian government will be no easier for the United States to influence than the leaders of Iran, Iraq or China proved to be.

We have detailed why Aristide may be more demagogue than democrat in a series of columns over the past three years. While the Clinton administration and Democrats in Congress insist that Aristide has reformed, or can be reined in, there remain several disturbing questions about his character:

Information from public and private sources depicts a president who is vengeful, paranoid and not afraid to use unruly mobs to get what he wants. During his seven-month presidency, Aristide sometimes showed a tendency to incite mob violence and even rejoice in it.

Though some aspects of the Central Intelligence Agency profile on Aristide have been discredited, it remains proven that some of Aristide's rivals were killed by "necklacing"—the practice of hanging a gasoline-soaked tire around a victim's neck and lighting it.

While Republicans in Congress have gone too far in depicting Aristide as a communist, the record of Aristide's brief presidential tenure shows someone whose commitment to democracy may be based more in theory than in practice.

Before his ouster in September 1991, Aristide demonstrated a penchant for associating with unsavory characters. He made entrees to Cuba's Fidel Castro and Libya's Moammar Gadhafi. His own minister of planning even flew to Libya in April 1991 to attend the fifth annual America-bashing ceremony in memory of the U.S. raid on Libya.

As president of Haiti, Aristide steered $2 million in foreign aid to an orphanage run by a close friend, who was then arrested months later in a cocaine bust. Aristide's response was to order the police to release his friend. The U.S. ambassador at the time, Alvin Adams, protested, but Aristide wouldn't back down.

As an ugly parting shot, Aristide allegedly ordered the murder of a jailed political opponent moments before being unseated in the military coup. As we have reported, a polygraph test secretly administered by the FBI in Port-au-Prince on the former head of Haiti's national penitentiary corroborated accounts of the killing already given to American officials by others.

None of the disparaging facts about Aristide can take away his legitimate claim to the Haitian presidency. He is the democratically elected leader of his country and deserves to finish his term. Yet the Clinton administration should not expect the honeymoon in Haiti to last very long.

Aristide's record indicates he will be a marked improvement over the military regime, but he hardly deserves the plaudits he's been receiving from the president and the Congressional Black Caucus.

When President Clinton signed the crime bill on the South Lawn of the White House last week, spectators at the ceremony found themselves gazing toward the heavens—but it wasn't for divine inspiration. Many were abuzz about the single-engine airplane that crash-landed in the same location the previous day.

The wreckage "was all cleaned up, but I must say that whenever there was a plane or helicopter flying overhead, the spectators were all looking up and kind of ducking a little bit," said Rep. Bill Richardson (D-N.M.), who attended the ceremony. "The president didn't talk about it, but it was something that was very much on everyone's mind."

A senior White House official confirmed the report, adding that some prominent guests took to making simulated crash noises each time an airplane flew nearby. Yet he was quick to add: "This was before the president got out there, of course."

JIMMY CLINTON, II

(By William Safire)

WASHINGTON.—With lust in his heart for a Nobel Prize, Jimmy Carter undermined Bill Clinton's resolve and turned a triumph of American strength in Haiti into a fiasco of wimpish indecision.

Here is what the last-minute flinch shows us about Mr. Clinton:

1. He does moral flip-flops with the greatest of ease. On Thursday, Clinton was portraying the Haitian dictator as a murderer and tyrant; three days later, the thug became a man of honor, and worse, our partner in cracking skulls.

2. His ultimatum means nothing. Clinton swore to the world that the negotiating was ended; then he submitted to quasi-arbitration; then he cracked under pressure, okaying a deal to let Lieut. Gen. Raoul Cedras stay in Haiti.

3. He can be jerked around by his pacifist predecessor. Carter, with no authority, offered the junta a broker, then enlisted Sam Nunn and Colin Powell, then confronted a President panicked by the prospect of using force; the passive Clinton permitted the negotiation of major concessions while pretending he was permitting only "modalities" of eviction.

4. He can be personally insulted with impunity. Jimmy Carter trumpeted that he told the dictator he was "ashamed of United States policy"; that was Clinton's policy he was ashamed of, but the President cheerfully continues to wear his "Kick Me" sign.

5. He returns no loyalty to loyal aides. Warren Christopher, who was criticized in this space long before it became a Beltway pastime, has steadfastly carried Clinton's slopping water buckets. In this episode of foreign-policy freelancing (as in Carter's naive, spare-the-rods intercession in North Korea), the de jure Secretary of State was humiliated.

Carter, in a self-immolating interview with Maureen Dowd in The New York Times, is contemptuously rubbing State's nose in its loss of face.

6. Clinton has lost control of his foreign policy. When Carter denounces "the basic policy of the State Department" on the use of any sanctions against human-rights abusers the President stands mute. Christopher's response was typically other-cheeky: He phoned Carter yesterday to arrange a meeting this weekend to assuage the former President's hubris. We can expect Carter to present his arbitration demands for the embrace of Castro and the partition of Jerusalem; what's a poor President transfixed by a runaway emissary to do?

1. He is inclined to wishful thinking that leads to dangerous assumptions. It was Powell who telephoned Vice President Gore to assure him that the brokers had set up circumstances that would cause what U.N. Resolution 940 declared was "the departure from Haiti of the military leadership." Gore then briefed the networks, which reported that the military leaders would soon leave. Carter told Congressional leaders their departure was likely. Later, we learned it was only "power" the dictator would leave—as he promised before—but not Haiti.

2. He made inevitable a "mission creep." After Gen. John Shalikashvili made clear the mission of U.S. soldiers did not include as military police, the junta's vicious cops let the celebrating populace know who was still in charge. Now, thanks to Carter-Powell-Nunn, our M.P.'s, who speak no Creole, are forced by photos of clubbings to take over the police function—placing us between an arrogant and undefeated Haitian military and a disappointed people.

3. Colin Powell tends to act as if his primary mission is to prevent bloodshed—a laudable aim—rather than decisively to depose dictators. In Iraq, it was Powell who saved the lives of Saddam Hussein's Republican Guard, which prevented the overthrow of a murderous tyrant; in Haiti, it was Powell who enabled a ragtag army of thugs to preserve its "honor" and power.

The only favor Jimmy Carter did for Bill Clinton was to hype but ultimately diminish Colin Powell's potential as a Republican Vice Presidential candidate.

As this all began, I expressed the fear that Clinton might give intervention a bad name. By virtue of his pulled punch, "Jimmy Clinton" has done just that. No wonder the isolationists are smirking.

GOVERNMENT CANNOT SOLVE ALL OUR PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, almost everyone, from President Clinton to

Dan Quayle, is speaking out today about the breakdown of the American family.

Almost everyone is greatly concerned, and with good reason.

The overwhelming percentage of felony crimes are committed by young men who were raised in father-absent households.

Almost one-third of all births now are out of wedlock. I could go on and on, but most people know all the horrible statistics.

Even liberals are today admitting that our society is decaying from within.

Listen to these words from a recent editorial by Mortimer B. Zuckerman, editor-in-chief of U.S. News and World Report:

The fraying of America's social fabric is fast becoming a national obsession. Three out of every four Americans think we are in moral and spiritual decline. Two out of three think the country is seriously off track. Doubts about the president's character have driven his standing in the polls down about 15 points. Social dysfunction haunts the land: crime and drug abuse, the breakup of the family, the slump in academic performance, the disfigurement of public places by druggies, thugs and exhibitionists. Are we now, to use Senator Daniel Patrick Moynihan's phrase, 'defining deviancy down,' accepting as part of life what we once found repugnant? * * *

* * * Instead of a culture of common good, we have a culture of constant complaint. Everyone is a victim * * *

* * * Gone are the habits America once admired: industriousness, thrift, self-discipline, commitment.

* * * The combined effect of these sicknesses, rooted in phony doctrines of liberalism, has been to tax the nation's optimism and sap its confidence in the future. And it is the young who are strikingly vulnerable. They are being deprived—like no previous generation—of the emotional comfort and moral nurturing provided by the traditional family * * *

As Zuckerman said, most of these problems have been caused, or at least made worse by the "phony doctrines of liberalism."

These problems have come about in large part because for at least the last 30 years, every time there has been even the slightest problem of any type, liberals have insisted that the only solution was the Government.

However, now I believe there is a sizable majority of the people who no longer believe that the Government can solve all of our problems.

And, going beyond that, many people now feel that particularly the Federal Government is so wasteful and inefficient that it causes more problems than it solves.

I believe that this is also true in regard to the breakdown of the family.

Most divorces occur because of arguments that tie back into money or family finances.

Government, at all levels today, takes about half of the average person's income when you count taxes of all types, Federal, State, and local.

We are simply not leaving the families of America enough money to support themselves in the way they want or to which they should be entitled.

It used to be different. In 1948, the exemption for children on Federal tax returns was $600. According to the Heritage Foundation, if that had been indexed for inflation, the amount would be almost $8,000 today.

In other words, in the late 1940's and 1950's, the Government, through its low taxes and high deductions for children, was encouraging families.

Once Government and taxes started exploding in the mid-1960's, the breakup of our families also began exploding.

I am not saying Government is the only cause, but I do believe it is the most significant one.

I also believe that if we really want to help strengthen the family, the best thing we can do is to greatly downsize Government, at all levels, and greatly decrease its cost.

The individuals and families of America know much better how to spend their own money than the bureaucrats in Washington do.

We should really do something for our children—we should take so much money away from them and their families just so we can give it to Federal bureaucrats.

Yet despite all the lipservice we are still passing bill after bill that causes government spending to go up at all levels.

If we do not get this under control soon, these words of former Senator Paul Tsongas, written recently in the Christian Science Monitor, may come back to haunt us:

If you think sending a chunk of your hard-earned income to the Internal Revenue Service was tough this year, imagine the responses of future taxpayers who will face average lifetime tax rates of an incredible 82%.

Confronted with the burdens of a monstrous national debt, an aging population, and runaway federal entitlement programs, tomorrow's Americans will be turned into a generation of indentured servants. They won't stand for it. Without action today, we are likely to see generational political wars by the end of the decade.

Mr. Speaker, we need bold, decisive action and we need it now.

JUST WHEN YOU THOUGHT THE DEFICIT WAS UNDER CONTROL

(By Paul Tsongas and Jonathan Karl)

If you think sending a chunk of your hard-earned income to the Internal Revenue Service was tough this year, imagine the responses of future taxpayers who will face average lifetime tax rates of an incredible 82 percent.

Confronted with the burdens of a monstrous national debt, an aging population, and runaway federal entitlement programs, tomorrow's Americans will be turned into a generation of indentured servants. They won't stand for it. Without action today, we are likely to see generational political wars by the end of the decade.

It's a mess created by bipartisan fiscal irresponsibility in Washington. And far from addressing the problem, the politicians are insisting the deficit is "last year's issue."

The bad news can be found buried deep within President Clinton's 2,000-page, four-volume budget for 1995, which was recently passed by Congress.

A little-noticed section of Mr. Clinton's budget, entitled "Generational Accounting," looks at what each generation can expect to pay in average net lifetime tax rates—that's taxes paid minus direct benefits (such as Social Security, Medicare, farm subsidies, and home mortgage deductions) received.

Generational accounting tells a startling story. Americans born in 1900 faced an average lifetime tax rate of 23.6 percent over the course of their working lives. Americans born in 1940 face an average rate of 31.9 percent. For those born in 1970, the average lifetime tax rate climbs to 36.5 percent.

Economist Laurence Kotlikoff, who helps the federal government devise the generational accounting section of the budget, says that the first group to feel the squeeze will be the baby-boom generation, those born between 1941 and 1961.

But the worst economic news is for Americans born after 1992. Forced to pay the bills we refuse to pay today, they will face an average net tax rate of 82 percent.

The message is clear: We are bankrupting future generations. If we continue the present course, the America of the 21st century will be unable to compete and be productive. And our children will be the ones to suffer.

Stopping the flow of red ink in Washington must become the top priority. It's time to stop invoicing future generations for today's spending sprees. It's time to do the unthinkable: balance the federal budget by the end of the century.

Far from balancing the budget, the Congressional Budget Office calculates that between now and the year 2000 we will add almost $1.2 trillion to our national debt, which currently totals $4.6 trillion. Clinton's budget leaves a projected deficit of $227.8 billion for fiscal year 1994. In 1996 the deficit will drop to $179.6 billion before climbing again. We have no strategy for eliminating the deficit. We must do better.

The Concord Coalition has outlined a plan for a balanced budget by the year 2000. The coalition's zero-deficit plan balances the budget by making the tough choices many politicians are unwilling to make.

The centerpiece of the plan is a proposal to control the growth of federal entitlement programs, which constitute more than half of the budget and are the primary cause of the deficit. The plan proposes applying a means test to entitlement benefits for those families who receive government payouts in the form of Social Security, Medicare, farm subsidies, and government pensions and have an annual income of more than $40,000. The precise reduction would depend upon each family's income, and no one would be denied all their benefits regardless of income level.

The plan also cuts wasteful, inefficient, or obsolete discretionary programs, and increases revenues through higher taxes on alcohol, tobacco, and gasoline.

Agreeing with the specifics of the Concord Coalition's plan is less important than agreeing on the goal: a balanced budget by the year 2000. Those who disagree with the specifics need only develop an alternative.

However, the data outlined in the generational accounting section of the Clinton budget makes it clear that the current policies are unacceptable. This information should serve as a wake-up call to all Americans. Future generations will be in crisis. It's time for action.

□ 1700

25TH ANNIVERSARY OF THE SCHOOL OF HEALTH RELATED PROFESSIONS OF THE UNIVERSITY OF ALABAMA AT BIRMINGHAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BACHUS] is recognized for 5 minutes.

Mr. BACHUS of Alabama. Mr. Speaker, I rise on this occasion to proudly inform you and my colleagues in the House of Representatives of the 25th anniversary of the School of Health Related Professions, an integral part of the University of Alabama at Birmingham.

The School of Health Related Professions was created by the Alabama Legislature in 1969 to train health care professions to assist in meeting health care needs of the State. Since that time, the School has graduated more than 10,000 health care professionals who are working in virtually every health care facility in Alabama as well as in other facilities nationally and internationally. The institution awards credentials including the certificate, baccalaureate, master's and Ph.D in diagnostic, therapeutic, critical care, and administrative areas.

The school is also a national leader in scientific and academic research and, for several years, has been the no. 1 recipient for schools of this type for National Institutes of Health funding.

Through annual surveys of graduates of the School, it has been determined that more than 95 percent find immediate employment in their chosen career field and more than 60 percent return to their home area to live and work.

The School is a model of academic and clinical collaboration with other institutions in the State, and the effective use of existing resources has been recognized nationally and internationally by such organizations as the National Rural Health Association and the World Health Organization.

Led by Dr. Charles L. Joiner, its dean, the School of Health Related Professions plays a major role in the education of health professionals and in health care reform in Alabama.

I congratulate the UAB School of Health Related Professions on this its 25th anniversary and offer the congratulations of this legislative body for the contributions of the school and its graduates to health care delivery and research for the past quarter of a century.

STOP FRAUD IN PUBLIC HOUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, the glaring headline in today's editions of the Baltimore Sun, reads, "HUD Finds City Misuse of Housing Funds." The story details a Federal audit that found a $25 million no-bid repair program run by Baltimore's housing authority has spent more than twice the going rate to fix apartments for the poor, paid for work never done, and gave millions to firms run by relatives of managers.

My concern about federally funded housing programs that do not work has intensified with these latest revelations. How much longer are taxpayers expected to standby and watch their dollars misused?

I have attempted to offer positive suggestions for dramatically altering the Federal Government's failed housing policies. What better time than now to make the changes necessary that will both stop the fraud and stop pouring Federal dollars into the pockets of greedy landlords, while at the same time, start turning neighborhoods around.

HUD's subsidized rent programs, including the new Moving To Opportunity, are repressive. Money now given to landlords to house the working poor forever should be used for rebuilding boarded up houses—some 7,000 to 10,000 in Baltimore City alone—so the working poor can become proud homeowners instead.

Think what such a program would do to turn around the sad plight and blighted appearance of our urban cities, such as Baltimore. It would provide employment for honest construction firms and their employees, turn blocks of houses from being shuttered and dismal into thriving blocks of lived-in homes, and give the residents something they could own and work hard to maintain—and pay the mortgages for themselves knowing that their property is their own.

At the same time we could help develop jobs into these homeowner areas.

Let's do that rather than just pouring dollars down the drain.

HUD also needs to put a stop to portable section 8 certificates. Jurisdictions should be responsible for taking care of their residents. Additionally, caps on subsidies should be realistic. As the Sun pointed out, one problem with the HUD Program is that the housing authority spent more than twice the going rate to make repairs. To spend more than the going rate for rents is outrageous.

Again, I repeat that if HUD is sincere in its desire to provide housing for the poor, then, instead of turning its back on the Nation's cities, Federal housing programs should work toward turning over vacant urban homes to current section 8 recipients, and use the millions spent on rent to help these new homeowners rehabilitate their homes. Homeownership, and the pride that goes along with it, is the only real way to improve neighborhoods.

[From the Baltimore Sun, Sept. 22, 1994]

HUD FINDS CITY MISUSE OF HOUSING FUNDS—HOUSING AUTHORITY'S NO-BID PROGRAM BLASTED IN AUDIT

A $25 million no-bid repair program run by the city's Housing Authority spent more than twice the going rate to fix apartments for the poor, paid contractors for work that was never done, and gave millions to firms run by relatives of managers, according to a federal audit.

The audit, a draft copy of which was obtained by The Sun, cites problems in almost every area of the authority's operations. It provides fresh details about a program in which employees apparently inflated cost estimates for repairs to coincide with proposals by the no-bid contractors, and then failed to check to see if the work was ever done.

Authority managers purchased Chevy Blazers for their personal use, the audit says. They paid for stoves and refrigerators that were never installed. They bought doors and windows that were never hung. They purchased electrical wiring for outlets and switches that never existed.

Federal inspectors also found that the authority knowingly exposed families to dangerous levels of lead paint and dust. In one apartment, contamination levels were nearly 19 times higher than federal standards, the audit says.

In the end, the no-bid repair program—the focus of a federal grand jury probe—failed to meet the authority's basic mission: renovating buildings and increasing apartment space in the poorest sections of Baltimore, according to the audit.

Last night, the nation's top housing official, Henry G. Cisneros, issued a statement saying the authority's practices were intolerable. "The findings raised in this report are serious," he said. "Misuse of federal funds—particularly with respect to funds that are intended to help the poorest of families—cannot be tolerated."

Mr. Cisneros, who heads the U.S. Department of Housing and Urban Development, pledged to work with the city's mayor and housing officials to ensure that the audit findings will be "fully and promptly addressed."

The audit was compiled after a seven-month probe by HUD's regional Inspector General. Investigators started to examine the authority in December after contractors called a federal hot line to complain they had been frozen out of the no-bid program.

A final copy of the audit is expected to be released tomorrow.

Executive Director Daniel P. Henson III criticized the draft report yesterday. He said it misinterpreted regulations, and misstated or ignored relevant facts. He said some of the findings would be modified in the final report.

Mr. Henson provided The Sun with his 39-page response to the draft report. He accused the auditors of "simplistic second-guessing" of the no-bid program. "This is a cheap shot," he said. "This is very sloppily done."

Funded by federal subsidies and monthly rents, the Housing Authority is responsible for managing 18,000 publicly owned apartments and single-family homes in Baltimore.

The draft report portrays the Housing Authority as an agency run amok. It could not account for more than $700,000 in lost inventory. Its reserve fund fell to dangerously low levels. It hired maintenance workers with no skills. It signed a contract with a security firm that employed felons. It spent more than $370,000 on a security system that didn't work.

One of the few positive audit findings for the authority: It collected rent on time.

NO-BID PROGRAM

Much of the 45-page report focuses on the no-bid repair program. Mr. Henson started the no-bid program last year, shortly after Mayor Kurt L. Schmoke appointed him to head the Housing Authority. Mr. Henson claimed there were 2,400 vacant, rundown apartments that needed quick repairs to create housing for the poor.

To speed up the repairs, Mr. Henson declared a housing emergency in the city—a move that he said allowed him to bypass federal rules and award contracts without competitive bids. He said the no-bid program would shorten the list of 18,000 families waiting for places to live.

But the auditors said the authority failed to get approval from HUD, and never explained why the work couldn't have been performed with competitive bids.

In all, the authority renovated 1,136 apartments under the no-bid program. When it was over, Mr. Henson failed to accomplish his goal—creating more public housing for the poor, the audit says.

The auditors found that the program was flawed from the start. It began as a small, $1 million project that was supposed to spend $10,000 on repairs for each apartment. But it quickly grew into a $25 million program that spent as much as $95,000 for one unit.

The average sale price of a single-family home in Baltimore is $75,319.

TWICE THE RATE

Auditors said the no-bid contractors charged more than twice the amount as contractors who performed work for the authority under competitive bids. The auditors said that the authority also apparently inflated its own cost estimates to coincide with the higher proposals submitted by the no-bid contractors.

"Work was overpriced and incomplete," the audit says.

Auditors sampled 65 apartments with contracts worth $2.6 million. They found that the authority paid contractors at least $900,827 for unneeded materials, overpriced supplies and work that was never performed.

Contractors charged the authority for tile they never laid, paint they never used and drywall they never installed. they also charged the authority double the going rate for stoves and refrigerators—and then never installed them.

"It appears authority inspectors may not actually inspect work at all," the auditor says.

Housing Authority managers also used money from the non-bid program to buy eight, 4-wheel drive Chevy Blazers for $150,000, according to the audit and interviews. "The vehicles were for take-home use by management," the audit says. "There is no known basis for an emergency purchase of vehicles for management staff."

In a section of the audit titled "Conflicts of interest," federal investigators criticized the authority for handing out millions in no-bid repair contacts to relatives of a Housing Authority manager and a board member.

Together, relatives and friends of authority managers and of Mayor Schmoke received more than $5 million in no-bid contracts—accounting for nearly 20 percent of the entire no-bid repair program, according to auditors, corporate records and interviews.

The contractors include:

Senior authority analyst Anita Chavis' relative, Sedrick Chavis, who received about $3.5 million.

Authority board member Larry Jennings Jr.'s parents—Larry Sr. and Vergie, and his sister, Georgia M. Page, who received about $1.2 million.

Mayor Schmoke's brother-in-law, John A. Palmer, who received about $327,000.

Mr. Henson's childhood friend, Westley Johnson, who received about $300,000.

The authority's conflict of interest rules prohibit agency employees from benefiting from projects involving themselves or their immediate family. The rules do not cover board members, such as Mr. Jennings.

Still, the auditors recommended that authority employees disclose conflicts and potential conflicts of interest in the future, and keep the disclosures on file with the housing agency.

RESERVE FUND DRAINED

Auditors also found that the no-bid repair program and other fiscal problems drained the authority's reserve fund. By May of this year, the reserve fund could only pay for less than one day's worth of operating expenses.

The no-bid program is now the focus of a federal grand jury investigation. Two authority managers have pleaded guilty to corruption charges, admitting in federal court that they took cash, trips and gifts in return for steering work to contractors.

In a potentially damaging discovery, auditors found that children were exposed to high levels of lead paint and dust in public apartments. In one case, the authority knew children were being exposed to dangerous levels but didn't notify parents for six months, the auditors said.

Lead poisoning can cause blindness, paralysis, brain damage, even death.

Auditors found that the authority placed residents in more than 200 renovated apartments before testing for lead. At one apartment on Cator Avenue, a 3-year-old child lived in an apartment that later registered lead levels 19 times higher than federal standards.

Auditors also pointed out that a year earlier, the authority tested 57 apartments at Claremont Homes in East Baltimore, finding 96 percent were contaminated. But the authority didn't tell the residents until six months later—when parents started to complain that children had elevated lead levels in their blood, the auditors said.

The Housing Authority said it didn't knowingly house children in contaminated apartments. Instead, authority managers blamed HUD, claiming the federal government never told them how to notify residents of the test results.

Said the auditors: "The authority has neglected its responsibility to ensure the safety of the residents and, as a result, has placed residents at risk for contracting lead paint contamination."

SECURITY CONTRACTS

Auditors also questioned a pair of contracts the agency signed to provide security services for the housing developments.

The authority awarded a $4.6 million contract to a company run by the Nation of Islam to patrol the developments, even though the group's bid was the highest. At the time, Executive Director Henson defended the contract, claiming NOI Security was the only contractor that "understood the needs of public housing," the audit says.

Auditors said that wasn't quite the case.

"Interviews with employees of [NOI Security] noted that the guards did not have any special training or understanding of public housing needs," the audit says.

They found that NOI Security hired nine guards from another security firm that had been turned down for the contract. The firm also placed 29 guards on the payroll who had been convicted of felonies—close to half the guards hired to handle the contract, the auditors said.

The auditors also said the authority squandered $373,787 when it purchased a security turnstile system for 18 high-rise apartment buildings. The authority bought the system without bids.

With little planning and testing, the turnstiles were installed and removed after the authority discovered residents despised them and they were easily vandalized. The Housing Authority sold the system to Washington for a fraction of the purchase price: $60,000.

LET'S INVEST IN OUR PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, today, I have introduced H.R. 5074, the Guam Labor Preference Act, amend the Organic Act of Guam to grant authority to the Government of Guam to give preference, in awarding contracts, to persons or firms that hire a specified percentage of persons who are United States Citizens, nationals or permanent resident aliens.

This innovative amendment to the Organic Act was developed by the Speaker of the 22d Guam Legislature, the Honorable Joe T. San Agustin, as a means to encourage companies that do business on Guam to hire locally and to train residents of Guam for jobs that might otherwise go to temporary foreign workers. Guam's unemployment rate this year is approaching 9.3 percent, and Speaker San Agustin is right to be concerned about the long-term effects of the unemployment situation.

The Guam Labor Preference Act provides that the percentage of American citizens, nationals and permanent resident aliens for this contract preference program would be determined by local law by the Guam Legislature. The flexibility of this approach would allow the Government of Guam to adjust to changing circumstances and to set percentages that make sense for the island's contractors. The Government of Guam is a significant force in the island's economy, and this program will have an impact on school and highway construction and other government-financed projects.

Speaker San Agustin was successful in incorporating similar provisions in local legislation in the mid-1980's authorizing a multimillion dollar highway bond. The result was an increase in local hiring and training, and the success of this earlier program serves as a model for a wider Government of Guam program. While the initial program was limited to construction projects, this new authority can be used by the Government of Guam to expand preferential hiring to service contracts affecting potentially hundreds of new jobs for American citizens

on Guam. Some States have used this approach to give preferential hiring to American citizens for State-funded jobs and the Guam program is an extension of that concept.

The practical effect of the Guam Labor Preference Act will be to reward those companies that invest in our people, and to reward those companies that give back to our community a share of what they reap from Government of Guam contracts. This is not only good policy, it is good government.

Again, Mr. Speaker, I commend the Speaker of the 22d Guam Legislature, the Honorable Joe T. San Agustin, for his concern for those who are caught in difficult times on Guam and for his commitment to the welfare of the American citizens, nationals and permanent residents of our island.

□ 1710

KOREA

The SPEAKER pro tempore (Mr. BISHOP). Under a previous order of the House, the gentleman from California [Mr. ROYCE] is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, I rise today to bring attention to the creeping crisis on the Korean Peninsula.

I think the overwhelming majority of my colleagues agree that there has been an inordinate amount of attention and effort expended on Haiti. In contrast, what happens on the peninsula deeply affects our national security. Over 50,000 Americans, and 1 million Koreans, gave their lives there for freedom and a fragile peace. We have a treaty there. We have 37,000 troops there. The American people and the United States Congress have a solemn commitment to uphold freedom for South Korea.

There are nuclear, chemical, and conventional arms there in awesome concentration; our troops and their families, and millions of Koreans, are in constant danger.

The Korean regime is an unstable and unpredictable enemy. It is a terrorist state, and it is a nuclear state, and it has a million-strong army. The continued strengthening of the North Korean arsenal, and its proliferation to rogue states such as Iran, mock our efforts at arms control and regional security.

This is the stuff of vital national interests. This is what American military, diplomatic, and economic power must be reserved for.

That is the point of concern. The kind of haphazardous brinkmanship and dangerous errors of judgment that have characterized this administration's handling of Haiti, and of foreign policy in general, must not be repeated in Korea. This President cannot continue to rely on serendipity and on the kindly intervention of his elders. This Nation deserves and demands more.

The administration's approach thus far has been one of vacillation, preemptive concession, and ambiguity of purpose—the same approach that has been on display in Haiti, Somalia, Bosnia, and China.

The North Korean bombs remain, the plants and sites remain. Pyongyang refuses full site inspection; in short, they have the capacity, and apparently, the active intention to continue their nuclear buildup.

We have offered to facilitate the provision of less dangerous alternative nuclear technology, and to supplement their power grid, to the tune of $4 billion, but they insist on choosing the design and suppliers of these plants. Assistant Secretary Gallucci says this is ludicrous. I agree. But that's not all: They also are demanding bribes of additional billions to compensate them for lost research and presumably lost anticipated weapons sales to Iran and other partners. What do they take us for? Or better yet: Why?

In time-proven fashion North Korea is running the clock on an all-too hopeful State Department. The problem is that time does not necessarily favor us. In fact, as time goes on North Korea's secret arsenal grows. Our leverage diminishes, our resolve is tarnished, and dictators the world over are encouraged.

I urge my colleagues to pay attention to the dealings in Geneva in the coming days and to keep a sharp eye on the bottom line: Are our troops safer, is the physical and nuclear threat diminished, is the nuclear inventory and its trigger removed from North Korean control?

If the answer to these questions remains no. Then you will know that it's business as usual at the Clinton White House, and we're heading for trouble again.

□ 1720

THE CAPITOL STEPS CONTRACT AND CYNICISM IN WASHINGTON, DC

The SPEAKER pro tempore (Mr. BISHOP). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGRICH. Mr. Speaker, I think at the beginning I want to talk tonight about the Capitol steps contract and cynicism in Washington, DC.

I was very sad that I could not be here this morning when some of my colleagues on the Democratic side did 1-minute speeches attacking our proposed contract for next Tuesday. I want to talk about cynicism and negativism and what is happening in America, and what we are trying to accomplish, and the framework within which we are trying to accomplish it.

Next Tuesday, September 27, we will have over 300 candidates for Congress from all over America coming to the Capitol steps to pledge a checklist and a contract. We have a basic document that says, "A campaign promise is one thing, a signed contract is quite another." Then what it outlines, in what will later on be a full page ad in TV Guide, is a basic set of commitments for the opening day, our checklist, and then a contract to bring 10 bills to the House floor and get them to a final passage vote in the first 100 days.

Mr. Speaker, I think what I am sad about, about the things the White House has done so far to try to attack the contract, and the tone in some of the press coverage and the 1-minute speeches here by the Democrats today, is that I think they miss the whole point of what we are doing. There is not a word in this ad that talks about the Democrats. There is not a word in this ad that talks about the Clinton administration.

What this ad does is, it talks in a positive way about what Republicans would do to solve real problems. I'm going to read the ad, and then I'm going to explain the background of why we are doing this, and how we got to this.

The ad starts, as I said a minute ago, with a cover which says: "A campaign promise is one thing, a signed contract is quite another." That is why Republican House candidates have pledged in writing to vote on these 10 commonsense reforms.

Then it says:

GOP contract with America: We have listened to what you want and we hear you loud and clear. On the first day of Congress a Republican House will force Congress to live under the same laws as every other American.

Cut one out of every three congressional committee staffers.

Cut the congressional budget.

Then in the first 100 days we will vote on the following 10 bills:

One, balanced budget amendment and line-item veto. It is time to force the government to live within its means and to restore accountability to the budget in Washington.

Two, stop violent criminals. Let us get tough with an effective, believable, and timely death penalty for violent offenders. Let us also reduce crime by building more prisons, making sentences longer, and putting more police on the streets.

Three, welfare reform. The government should encourage people to work, not to have children out of wedlock.

Four, protect our kids. We must strengthen families by giving parents greater control over education, enforcing child support payments, and getting tough on child pornography.

Five, tax cuts for families. Let us make it easier to achieve the American dream, save money, buy a home, and send the kids to college.

Six, strong national defense. We need to ensure a strong national defense by restoring

the essential parts of our national security funding.

Seven, raise the senior citizens' earning limit. We can put an end to government age discrimination that discourages seniors from working if they choose.

Eight, roll back government regulations. Let us slash regulations that strangle small business and let us make it easier for people to invest in order to create jobs and increase wages.

Nine, commonsense legal reform. We can finally stop excessive legal claims, frivolous lawsuits, and overzealous lawyers.

Ten, congressional term limits. Let us replace career politicians with citizen legislators. After all, politics should not be a lifetime job.

My point is, here are three reforms for the opening day that are our checklist of what we will do. Here are 10 specific bills that we are committed to bring to a vote in the first 100 days.

There is not a negative word here about the Democratic Party. There is not a negative word here about President Clinton and his administration. It is an effort on our part to be positive.

You might say, why are we being positive about this? I think that there are two very profound reasons why it would be good to have a positive campaign in October 1994, rather than a negative campaign.

The first reason is that people are so frustrated, people are so hostile, people are so angry, that you do not need to go out and get them madder. You don't have to go out and beat up on President Clinton or beat up on the Congress. People get it. They are already fed up.

What people want to know, I think, is what are you going to do differently? Our challenge to the Democrats is if they do not like our 10 bills, what are theirs? If they do not like our three reforms, what are theirs? Let us have a debate between ideas, but let us not have the kind of negative smear tactics that have driven the country, I think, to distraction, and have broken down any willingness to have a decent political debate.

We are prepared to debate on the issues: Is it a good idea to have a balanced budget amendment, a line-item veto, or not? Is it a good idea to have an effective, believable, and timely death penalty for violent offenders, or not? Should we encourage work and family in the welfare system, or not?

These are real policy proposals. We are going to have next Tuesday a whole set of bills. All 10 bills are already going to be written and available.

There is a second reason, I would argue, why it would be good to actually try to have a debate in October on the issues. I think this country is in trouble. People have talked about the economic recovery and all this stuff. Nonsense. The underlying core pattern of where America is at is real trouble.

If you do not believe me, watch any major city local television news, including Washington, for 2 nights. The child abuse, the rape, the murders, the cocaine dealing, the problems of American life are unbelievable. I am a history teacher, and I tell every audience that as a matter of history, not politics, as a matter of history, it is impossible to maintain American civilization with 12-year-olds having babies, 15-year-olds killing each other, 17-year-olds dying of AIDS, and 18-year-olds getting diplomas they cannot read. I don't think that is debatable. I think it is clear.

Yet, every single thing I just described is happening within a mile of your national Capitol. It is happening in every major city in the country. It is happening in West Virginia. It is happening on most Indian reservations. It is an objective fact, if you are going to be honest about it, that we are in the middle of the largest moral and societal crisis we have had maybe in the coutnry's history.

The result has been a breakdown in trust in government. I think there are very deep reasons we are in trouble. I do not think what we are going to do in the first 100 days by itself is going to get us out of trouble. I think even if we pass all 10 of these bills—and frankly, I don't know that we can pass all 10.

Notice, our commitment is to get them to a final passage vote, to bring them to the floor in the first 100 days and to get a yes or no vote, so that you will know who to keep and who to fire in 1996. But if we are a majority, we may only be a majority of 5 or 10 votes. So when you start listing all these controversial ideas, we are going to have real opposition. There are going to be some real fights.

Even if we could pass every one of these, all they would be is the beginning. The purpose of next Tuesday, with all the Republican candidates on the Capitol steps, is to outline the beginning. It is the first 100 days. Remember, the Congress is elected for 731 days, so the Congress has time to really be involved in more than just one set of ideas.

□ 1730

Our goal would be to work very hard on these, to start on the opening day, and then to be in a position to get the final vote done before the 100 days is up; having kept our contract, to then take frankly a couple of weeks off, because we are going to be pretty tired. If we get all this done in the first 100 days, we will have earned a couple of weeks to go back home, to talk to folks, to unwind over Easter, and then come back in early May and have a second Capitol steps event outlining a second wave of reforms.

I say that because, for example, it is pretty clear we are not going to pass a major health bill this year. I understand that Senator MITCHELL is still trying in some secret meetings over in the other body, but I do not think it is going to happen. So we need to take health reform back up in January, but if the Republicans are in charge, we are going to start with medical savings accounts, we are going to start with home health care, we are going to start with ensuring that every person who is self-employed can get a tax deduction for their own health insurance, we are going to start with lifting the antitrust for hospitals so that they can work together in sharing very, very expensive equipment and developing specialties to deal with cancer and heart disease and things like that. We want to approach it very, very differently than the way the Clinton administration did. But health care is not going to be in the first 100 days, because we cannot guarantee that we can write an intelligent, problem-solving bill in the first 100 days. So that is one issue.

The second issue that we are going to work on is voluntary school prayer. I have made a commitment and I will make a speech in the near future outlining why I believe it is so important, that we are going to offer an amendment on voluntary school prayer, making it possible, by the end of June. But I would like to see us have 3 or 4 months to go out and have the Judiciary Subcommittee hold hearings in every State in the country so that in every State in the country, people who favor voluntary school prayer and people who are opposed to it have an opportunity, without having to travel to Washington, in their own State to go to hearings and to express themselves, because I think this is an issue that has tremendous support in the country but is controversial and deserves to be heard.

There are a lot of other good, small things we are going to be doing. One small thing we are going to do quite frankly is we are going to change the House rules so that when in the future we file a conference report, we also file the floppy disk so that it is available by computer at the minute you see it on C-SPAN. This is actually our briefing book on Contract with America for next Tuesday, it is pretty big. But let us say this was a bill. Nowadays what happens is, and this happened on the crime bill. The manager of the crime bill came in at 7 at night after we were done voting. He said, "I now move to file the conference report," at 7 at night. It was all written on paper. It was, I believe, about 700 pages long if I remember correctly. It came down here. At 8 the very same night, they were up in the Committee on Rules, nobody had yet had a chance to even look at it. They hoped to bring the bill to the floor the next day and actually pass it. That meant that if you had been at home at 7 at night and you had seen them file the report, even if you called your Congressman or your Senator the next morning, they could never have mailed you the bill in time for you to read it before the vote.

One minor but real change we are going to have is that when we file the conference report, if the Republicans are in charge, we are also going to make it available electronically at that moment, so if you are sitting at home or you are in your office or you are at the local public library and you see the conference report being filed on C-SPAN, at that moment you will be able to access Internet and pull up the legislative library and get on your screen and in your computer the entire bill instantaneously.

What that is going to do is going to give ideas back out to the country and give the country a chance, notice again, in a positive way, with a positive reform, doing something positive to try to improve the relationship between Congress and the American people.

I would like to yield to the gentleman from New Jersey [Mr. SAXTON], my good friend.

Mr. SAXTON. I thank the gentleman for yielding.

Mr. Speaker, first of all, let me commend the gentleman for taking this time this evening to discuss what I believe is the biggest single change to be proposed in the size, scope, and direction of the Federal Government since the 1930's. We as Republicans have recognized that in order to get the size of Government under control, in order to put in place policy that will help our economy grow at historically acceptable rates, which it is not currently doing, that there are some very basic changes that we have proposed under the gentleman's leadership and under the leadership of the gentleman from Texas [Mr. ARMEY] which will put in place policies over the long term to do a lot of the things that Republicans have been talking about for many years.

One of the things that I find very appealing about the way this has turned out is that we know, for example, that when taxes get too high and place too much of a burden on workers and on business that the economy has a very difficult time performing at historic standards. As a result of that, we know that during the late 1970's, the economy did very poorly, and again during the early part of the 1990's after the tax increase of 1990 and the tax increase again in 1993, that we were unable to see the kind of growth again that we would like to see in jobs and in economic growth generally.

I was asked to be a leader of 1 of the 11 groups that was to make recommendations. Recommendations that we made, I believe, will be very significant in terms of changing tax policy, in regulatory policy, to help businesses grow, to make jobs more plentiful for workers, to increase wages for workers across-the-board, and at the same time to help families have an easier time of paying their taxes and making a living.

Of course there are some here in the House who would not like to talk about these and so there has been an attempt already, even before our September 27 Capitol steps event, there has been an attempt already to change the debate, to tell America that we cannot afford to make the changes that we want to make in order to help the economy grow. There has been a claim that it is too expensive, that we cannot pay for it, and as a matter of fact we have looked at this very carefully under the leadership of the gentleman from Georgia [Mr. GINGRICH] and others and we recognize that as we count here in Washington at least, and we do not always count in Washington the way normal people count, but that as we count here in Washington, there is a $147 billion, 5-year cost to this program.

I want the gentleman to know that we have looked very carefully and want everyone who is listening to know that we have looked very carefully at this cost and we will pay the bill for this cost in terms of the rules that exist in the House today. We will do it by making cuts in the size of Government.

One of the things that the American people may have forgotten about and I know some of the Members of this House would like to forget about is that we have already demonstrated our ability to make those kinds of cuts. In the fiscal year budget for 1994, under the leadership of the gentleman from Ohio [Mr. KASICH] and others, we showed that we could bring a bill to this House that actually cut $369 billion over 5 years. Then gain in fiscal year 1995, the House Republican budget that we had right here on this floor up for a vote where every Republican voted for it would have cut $377 billion. So those who are out there trying to change this debate to deflect attention away from the very good policies that are contained in this contract with the American people need to realize that we have already in the past on several occasions shown that we on this side of the aisle are willing to put our names on the line and make the kinds of very difficult decisions that are necessary to get our country back on the right track.

I just wanted to point those things out for the record.

Mr. GINGRICH. Because of your work on the Joint Economic Committee, I know you have paid a great deal of attention to economic policy. Being from New Jersey, you are actually living through the demonstration of what we are talking about. As I understand it, when Christie Whitman was running for Governor, she said, "I believe we can cut taxes and I believe we can cut spending." The newspapers attacked her and the columnists attacked her and Governor Florio attacked her. She said, "No, we're going to do it." Then as I understand it when she was inaugurated, she said, "We are going to keep our word," and I believe she has actually cut spending and cut taxes.

But could you share with viewers from across America and with our colleagues the story of what is happening for real in New Jersey and why we are confident that if we apply the same principles as Governor Whitman, that we can move in the right direction?

Mr. SAXTON. Governor Whitman has done a couple of things. First, you are absolutely correct. During the campaign the Governor pledged to cut taxes by approximately 25 percent over 3 years. She did so, in a way that would help the New Jersey economy grow. I might point out that in the most recent month's statistics, New Jersey had the biggest drop in unemployment of any State in the country.

□ 1740

Mr. GINGRICH. So she actually has cut spending, cut taxes and lowered unemployment by creating more jobs for the private sector?

Mr. SAXTON. That is correct.

Mr. GINGRICH. That is the opposite, is it not, of the liberal model?

Mr. SAXTON. That is exactly opposite of the liberal model. And what she said during the campaign and ended up doing, it was very good to have been able to sit behind her on the stage the day she was inaugurated, and she said if the Democrats in Washington can increase your taxes retroactively, which Bill Clinton and the Democrats did in this House in 1993, she said I can decrease your taxes retroactively and she put in the first tax cut retroactive to January 1, 1992. It was a 5-percent reduction.

So what has happened in New Jersey is, number one, we have put in place business jobs, economic growth policy that is working. That is No. 1.

No. 2, she did something that is equally important and that the Contract for America is modeled after. That is to restore confidence in government. This lady, our Governor, Governor Whitman, said during the campaign, "Here's what I am going to do. I am going to cut spending and I am going to cut taxes. We're going to make government smaller." And in her first year she made the first installment on that.

I might add, you know we do not talk a lot on the floor here about politics, but I might add that the voters in New Jersey, the citizens of New Jersey appreciate that because her approval ratings are over 70 percent today.

Mr. GINGRICH. Let me build on that for a second. You have Governor Whitman who won an election and is very popular because she is keeping her word. Then to the south is Gov. George Allen. He gave his word on crime and spending and he is keeping his word. Then in Massachusetts there is Gov. Bill Weld who came in, and they had to get a balanced budget. He said he will

not raise taxes and cut spending, and as a result Massachusetts is now creating jobs. In Michigan, Gov. John Engler got elected and said, "I am going to reform the welfare system and I am going to change the welfare system and break up the bureaucracy." He has now done a tremendous job. Over in Wisconsin, Gov. Tommy Thompson, who invented Learn Fair, for example, who said, "You don't get money if you're not getting educated, we are not giving people money to sit around and watch soap operas," and he has really begun to change government. And then Carroll Campbell just finishing his term has a similar tradition. And I must say that I was with Gov. Pete Wilson in California last night, and he has cut spending dramatically in California.

When you look at the people who are prepared to be serious about it, as you pointed out, with JOHN KASICH's leadership as head of the Budget Committee, the House Republicans produced a budget that cut over 5 years $400 billion. They came back and produced other proposals for cutting spending.

But the first point to be made is about the spending side, that we have proven again and again we can offer a budget that in fact cuts spending.

But there is a deeper point I think, and I find it fascinating in the news media some very phony numbers that the Clinton administration has sent up and in some comments made here on the House floor they have come up with a term "a trillion dollars." I do not know if the gentleman is aware of this yet. The way they get to our program costing a trillion dollars is simply they say if you require a balanced budget, since we are going to be borrowing $750 billion under the Clinton plan, your plan is off by $750 billion. So they are in effect giving up on a balanced budget. The Clinton administration is saying that they will never balance the budget, and they are challenging our effort to pass a constitutional amendment.

I do not think that either Mr. SAXTON or I or anybody else who is on the Republican side thinks you can get to a balanced budget overnight. This is like a giant company. It takes a while to downsize and rethink and reshape. But I think that if we really put our shoulders to the wheel we can do great work.

Was the gentleman working on the economic opportunity and regulatory reform section?

Mr. SAXTON. Yes, that is correct.

Mr. GINGRICH. And you produced as our eighth item in the contract the Job Creation and Wage Enhancement Act?

Mr. SAXTON. That is correct.

Mr. GINGRICH. I want our colleagues to know this is a list of what is in the bill, so this is substance. In our outline on the Contract With America Briefing Book this runs for 2½ pages. Here is the outline: Capital gains tax cut, neutral cost recovery, taxpayer empowerment to reduce the deficit and debt buydown, risk assessment cost/benefit analysis, regulatory budget, unfunded mandate reforms, strengthen Paperwork Reduction Act, compensation for private property takings, regulatory impact analysis.

Now just in the bill that the gentleman chaired and was so active on you have here a tremendous liberating effect on the American economy.

Mr. SAXTON. In just the first instance when we talked about the capital gains tax, which I think is very important, and incidentally, we got a roomful of people who are experts on economic growth, and people, I might add, from both ends of the spectrum because we wanted to get a full picture of what it was that we needed to do to make the economy grow. We asked what is the single most important thing we can do to produce the right action for economic growth in our country, and the broad consensus was the single most important thing that we can do, along with regulatory reform, and along with marginal tax rates, was the change in the capital gains tax rate. And we wanted to be very careful of that. So we got to BILL ARCHER, who is the ranking Republican on the Ways and Means Committee, and we said how do we do this to be fair to everybody, how do we do this so that we do not face the argument of trying to do favors for business people, often times who are viewed as, particularly by the other party as being rich people? How do we get away from doing the rich people in this country a big favor? So this bill is structured by BILL ARCHER in such a way that people who are in the lower brackets get a more significant break than people who are in the higher brackets, even on a capital gains tax rate as well as, of course, the indexing.

So on that one item we expect very important, big things to happen.

You mentioned the neutral cost recovery, which is a fancy word for saying giving people a good break on how to depreciate equipment they buy for their businesses, and while these are not common, everyday things that we talk about around the dinner table at night, at least not most of us, we know from our experience in having watched what happened to changes in the Tax Code that took place in 1986, 1990, and 1993, and watching the performance of the Government, that these are the things that need to be addressed.

Mr. GINGRICH. Let me build on that a second. If you will look at the neutral cost, again, for people who are not in business, what this means is when a business buys a computer, or when a business buys a new factory that they actually get to depreciate and write off on their taxes a full 100 percent of the purchase price value.

A recent analysis, and this will tell you a little bit about why we are in the fight with the liberal Democrats over how to score this and how much it would cost, a recent analysis by the Institute for Policy Innovation found that the proposal would create 2.7 million jobs, produce an additional $3.5 trillion in economic activity by the year 2000, increase the U.S. gross domestic product by $1 trillion annually, and increase economic activity by 1.8 percent. In other words, if you look at the study done by the Institute for Policy Innovation, 2.7 million more Americans would be at work in the year 2000, the U.S. gross domestic product, that is our national economy would be $1 trillion bigger. To us, a simple shorthand, we collect on the average 19 percent of the gross national product. So by allowing businesses to buy the newest equipment, the newest computers, by allowing them to compete with Germany, Japan, and China, by making sure Americans have the most modern equipment in the world, we would actually increase tax collection by $190 billion a year by the year 2000. Not a penny of that, not a penny of that will be counted by the liberal Democrats in the way they score this bill.

So when you read the Clinton administration's nonsense scoring, which is pure socialism, and when you hear Democrats come to the floor and start whining about the scoring and how we are going to spend money, remember, they do not take into account any investment, they do not take into account any new jobs, they do not take into account how the free enterprise system works. And we believe just on that one provision that if you were to look over the next 6 years you would actually probably have several hundred billion dollars in additional tax revenue, because more people would be at work, they would not be drawing welfare and unemployment, they would be paying income taxes. And with more people at work, with a higher salary paying more taxes, you actually increase the tax revenue without having to increase the taxes.

I am glad to yield to my friend from New Jersey.

Mr. SAXTON. This is a very excellent point the gentleman brings up, because it would seem to the average person, I thought, I always thought until I began to study economics, that when you reduce tax rates the natural effect would be to get less government revenue.

□ 1750

We know today that that is not always true, and the best example, or the two examples of that are, one was back in the time of Jack Kennedy when Jack Kennedy put in place his, or when Congress did unfortunately after Jack Kennedy's death, the economy began to grow after the Kennedy tax cuts were put in place, and as the economy grew,

jobs were created, people were bringing home bigger paychecks, and as a result, they sent more money off to Washington because there was a bigger pie to get a smaller slice of, and it produced more revenue.

The other good example was in the early 1980's when Ronald Reagan ran for office. He said, "I know what is the matter with this economy that we call stagflation and malaise," and all of those things that we heard back then; he said, "Taxes have gotten too high."

So when Reagan ran for office in 1980, he promised the American people he was going to cut taxes by 30 percent. Again, just like the Governor Whitman we talked about a few minutes ago, a lot of people said, "Ronald Reagan cannot do that." In 1981, 1982, 1983, we all know what happened. We had that 30-percent cut over 3 years of the tax rate, and bingo, the economy began to grow again. As a matter of fact, the gentleman was talking about growth in revenue when taxes are reduced. In 1980 our total revenue in our country was about $500 billion. By the end of the decade, in spite of the tax cut, our revenue had doubled. We had over a trillion dollars to spend through this Congress.

The gentleman's point is very well taken. When we have to score things around here that do not take into consideration that economic growth produces more jobs, more income, and more revenue to the Federal Government, it is a false way of figuring out the net result of tax policy.

Mr. GINGRICH. Let me make another point. This is not just about taxes. We have a contract for 10 items of legislation, and we have a checklist for some very important reforms.

Let me make one more point before I yield to my very good friend from Connecticut.

In the work the gentleman from New Jersey [Mr. SAXTON] has done on the Job Creation and Wage Enhancement Act, in the analysis they point out, and I quote, "The Clean Air Act expressly forbids agencies from weighing economic effects in writing their implementing regulations."

Now, let me tell my colleagues what this means, because this is going to be a real crisis for the State of California by next spring. The Environmental Protection Agency is currently writing a master plan for air quality in California which currently, and it will be announced February 1, after the election, but the best evidence we have so far is that it is going to say to long-distance trucks, "You can only make one stop in the entire State." It is going to say to ships, "You cannot go into Long Beach or Los Angeles harbor if you have boilers that are still hot." And since seagoing ships do not turn their boilers off, that means no one will come in.

Apparently a group of bureaucrats have sat down in a room and written the perfect Clean Air Act for an agricultural society with no trucks, no cars, no airplanes, and no ships. But it is madness.

What we are saying is when you write regulations, you are going to have to look at what do they cost. You are going to have to do an economic benefit analysis, and you are going to have to assess the real risks. You are going to have to actually bring science to bear and not just the latest Ralph Nader press release.

My guess is there are hundreds of billions of dollars in savings and millions of jobs that will be saved by the 21st century, 6 years from now, by these two items. Yet when you first read them, they do not seem so powerful.

But when you look at the number of job-killing regulations now coming out of the Government, you begin to realize why this kind of legislation is so vital.

Mr. Speaker, I yield to my friend, the gentleman from Connecticut.

Mr. SHAYS. I was listening to what both of you were saying on the floor in my office, and I just felt compelled to come over and make a few comments.

I mean, I just relish the thought that on the first day that a Republican majority is in charge that we would force Congress to live under the same laws as every other American and cut the number of congressional committees and our budget and then move forward in the first 100 days with some very important elements.

As someone who has been in public life for a number of years, the one thing that is eminently clear to me, as you have pointed out, I say to the gentleman from Georgia [Mr. GINGRICH], that 12-year-olds having babies and 14-year-olds selling drugs, 15-year-olds who are killing each other, and 18-year-olds who cannot read their diplomas is truly the legacy of the welfare state.

Candidly, Congress, Republicans and Democrats, know the welfare state is dead. There just is a sense of how do we move forward. For me, it is extraordinarily exciting to think that as a Member of Congress that I can deal with the issues that we have left in this agenda that is a contract with the American people to provide a balanced-budget amendment and a line-item veto.

I mean, I think of the extraordinary opportunity a line-item veto would provide and to truly move forward even more of getting tough with criminals, welfare reform, which we have talked about for 2 years and not taken any action, strengthening our families.

I know; I have a family of four boys. I know my parents basically had the deductibility of about $8,000 per child in today's dollars, and yet that is not available to families today.

What is exciting for me as a member of the Committee on the Budget is to be part of 13 Republicans who came in with alternative budgets last year and this year because of your urging. I mean, one of the things that has happened in this general assembly, in this Congress, is that we have been empowered to move forward in such a meaningful way. Our Committee on the Budget is coming up with reforms, recommendations, welfare reform, health care reform. It is really sad that President Clinton did not put away his veto pen earlier. It is sad the partisan political rhetoric did not stop earlier and we could not deal with some of the incremental needs of dealing with administrative costs and tort reform in our package.

As a rank-and-file Republican, I am going to be one of those 300 who is going to sign on to have some commonsense legal reform, and I have an ability through these 10 items to make it very clear to my constituents that where I might disagree on the last item of term limits, because I happen to think that term limits is not the problem. I think the problem is 40 years of one party control; the American people deserve to see that debated. And here we are having an open dialog after hours, but when there is a debate on the bill, we have closed rules, and to know those rules will not be closed and there will be true debate, I look forward as a Member of one of 435 Members if I am reelected to have a debate on term limits.

I might make an argument that says, you know, 40 years of one-party control is the problem and not the fact that someone has been 6 or 8 or 10 years.

But it is exciting, and I just heard some comments today about, you know, criticism of this package, and I just want to weigh in as one Member, a moderate Member in this caucus, and to me every one of these issues is right on target in terms of the opportunity for the Americans to see what can happen in the first 100 days.

Mr. GINGRICH. Let me give our colleagues an example. On our contract of 10 bills that we will bring to the floor and get to a final passage vote on the first 100 days, No. 9 is commonsense legal reforms. It is, in fact, called the Common Sense Legal Reforms Act. I think the gentleman from Minnesota [Mr. RAMSTAD] was the leader of this particular project.

All of these, I should tell my colleagues, were developed under the leadership, or with the leadership, of the gentleman from Texas [Mr. ARMEY], the House Republican Conference chairman, with tremendous help from the gentleman from Illinois [Mr. HYDE], who had several policy forums as the head of the Policy Committee, and I think with enthusiastic support from the gentleman from Illinois [Mr. MICHEL], who had seen over the years the need to move to a much more positive and proactive kind of approach.

No. 9 on our list of 10 bills is the Common Sense Legal Reforms Act. It

includes discouraging wasteful litigation, honesty in evidence, reasonable limits in punitive damages, truth in attorneys' fees, a legislative checklist, and proportional liability.

I am going to take right out of the contract with America's Briefing Book, which is really a tremendous work that has been put together to explain the whole thing, what they say about it, because I think it will give our colleagues a sense of why on the Republican side we are ready to have a positive campaign this fall. We are ready to go out to the country and talk about ideas and about solutions and about real positive things and why I was so discouraged today by the four or five negative and mean spirited 1 minutes that just did not get it. They did not understand what we are trying to do here.

If you will notice this, when we go through this, I think you are going to see it does not attack the Democrats. It does not attack the Clinton administration. It talks about a real solution.

Here is what it says on commonsense legal reforms:

Our legal system has become burdened with excessive costs and long delays and no longer serves to expedite justice or insure fair results. Instead, overuse and abuse of the legal system impose tremendous costs upon American society. It has been estimated that each year the U.S. spends an estimated $300 billion as an indirect cost of the civil justice system. These billions of dollars result from dramatic expansions in the number of cases filed, a tripling of cases in the Federal courts alone in the last 30 years. In fact, in 1989 alone, 18 million civil lawsuits were filed in State and Federal courts, amounting to one lawsuit for every 10 adults. Enough is enough.

Although the vast majority of these cases are filed in state courts, federal reforms can have a substantial impact and provide a model for state reform, without having reform dictated to the state by Washington, D.C. The Common Sense Legal Reforms Act provides concrete steps to restore the efficiency and fairness of our federal civil justice system by:

Discouraging Wasteful Litigation. One of the most effective ways to ensure that nuisance, or frivolous, lawsuits are not filed (or that a frivolous defense is not offered) is to require that the loser of a lawsuit pay the winner for the legal fees incurred. The loser pays approach encourages careful consideration of the merits of one's case and the exploration of a settlement prior to filing a suit. This fee shifting provision would be limited to federal diversity cases to ensure that litigants seeking to enforce federal civil rights are not affected adversely. Along the same lines, many lawsuits could be avoided if the parties would just sit down and discuss their differences before going to court. To achieve this first common sense step, the bill requires claimants to notify the other party prior to filing suit, thus encouraging settlements before resorting to litigation.

Honesty in evidence. The last decade has witnessed an explosion of abusive practices using rent-an-expert-witnesses and unsupported scientific theories. The bill prevents the use of junk science by requiring expert testimony to be based on sound scientific theories and bars contingency fees for expert witnesses and permit greater review of experts' qualifications.

Reasonable limits on punitive damages. It is news to no one that juries have been winging out of control over the past decade in awarding punitive damages to sympathetic plaintiffs far in excess of what is recovered to make them whole. Part of the blame is to rest on the system, because it gives juries very little guidance with which to make such awards. The Common Sense bill provides these standards by requiring that awards be based on "clear and convincing" evidence of malicious conduct and be limited to three times compensatory damages.

Truth in attorneys' fees. Attorneys often operate under a billing arrangement, called a contingency fee, that is based on a percentage of the damages recovered. While this fee arrangement helps some worthy claimants have access to the courts, it also creates a situation ripe for abuse by attorneys. To prevent abuse, one way to secure the benefits of contingency fees while protecting unsuspecting plaintiffs is to require attorneys to disclose up front the exact terms of a billing arrangement, document the actual time spent on the case, and allow a client who believes he has been misled to petition the court for redress.

Legislative checklist. The vague and incomplete laws Congress passes today encourage litigation to determine exactly what Congress meant when it spoke in a particular bill. This provision mandates that Congress follow a simple checklist to ensure that new legislation make clear exactly what is intended, such as whether the new law includes a private right of action, a statute of limitation, or is to be applied retroactively.

Proportionate liability. Under today's liability standards, litigants can go after the deep pocket defendants for the full amount of damages even though this party was responsible for a small fraction of the harm. This standard encourages abusive practices of shake down the deep pockets despite their limited liability. The bill requires apportioning liability on the basis of a defendant's responsibility.

□ 1800

My point in reading through this one bill is to get across to people that just in this one area we are talking about very major, very significant litigation reform in a way that is going to dramatically improve job creation, lower the cost of living in America, increase the opportunity to create new businesses and do the kind of things that will increase Government revenues by increasing the size of the economy and putting more people to work.

I yield to my friend from New Jersey.

Mr. SAXTON. I thank the gentleman for yielding.

Mr. Speaker, I just wanted to illustrate by way of three items why the section that the gentleman reads from in our document, Contract for America, why these things are so important. Now, where the loser pays in liability suits, at least in some cases, out-of-court settlements would be encouraged. Where punitive damages—where punitive damages would be subject to reform; the truth-in-attorneys-fees and the other things the gentleman read through, why they are so important.

Now, let me give three illustrations. I happen to live in a relatively small county in New Jersey, about 450,000 people. We currently have 13 judges. Those 13 judges are an expense to the taxpayer of something under $500,000 per judge, with their staff and their space costs and all of those things. It costs about $500,000 per judge per year.

So we have 13 judges at that cost in my little county; that is a cost of $6.5 million a year.

Now, it may not surprise the gentleman, after the words I just heard, to know that in order to bring a civil case to trial in New Jersey, in my county of Burlington, it is about a 5-year wait because the civil docket is so filled with so many suits. So that long period of time becomes a very frustrating thing for people who really have a legitimate civil suit.

So there is a proposal in front of the New Jersey legislature today to create three more seats, three more judges at a cost of $1,500,000 for the taxpayers of our area to pay. Now, that is a burden on the taxpayers in Burlington County, it is a burden on the taxpayers of New Jersey. It may provide jobs for some attorneys who become judges, but I do not think that is what this is all about.

So it is a very cost-producing, time-consuming situation that is caused by this huge court backlog that we have in my little county.

No. 2, an illustration of what tort reform means in the items the gentleman read off, which are proposals. This is a personal story. I have a friend who is a doctor, who is a gynecologist whom I have known for years. He called me up one day not too long ago and said, "Jim, I just wanted you to know before somebody else tells you that I am closing my practice and I am going to move to another State," he said, "Colorado, and I am going to work in a clinic." I said, "Why would you do that? You have a wonderful practice. You have been in practice for many years. People think the world of you."

He said, "Jim, I get sued so many times that I have a choice, I either have to go out of business or practice without insurance." He said, "I am not going to do either. I am going to go someplace where I can practice, where I will have insurance and it won't be such a burden on me and," he said, "My patients." I said, "What do you mean, your patients?" And he said, "Well, if I have to pay $100,000 or $125,000 a year in insurance premiums, I cannot continue to pay those costs myself, I have to pass those costs along to my patients in higher doctor fees."

So I understood then how important this was. We have discussed for a long time around this institution about how we control medical costs. One of the important ways to get a handle on medical costs is to reduce the cost within the system and tort reform, the items the gentleman has listed here, help do that.

No. 3, do you know we do not build piston airplanes in this country anymore? And the reason we do not build piston airplanes in this country anymore is because the product liability associated with small piston-driven airplanes is so high because of the way the liability laws are written that American manufacturers no longer find it feasible or possible to build these types of planes anymore.

So this issue that the gentleman has pointed out is something we have dealt with around here for a long time. I hope that as we put out this contract for the American people that these kinds of items will be brought to full light. I hope we can debate them throughout this coming campaign.

Mr. GINGRICH. Let me say that the gentleman's points reflect three things which I want to say very quickly before I yield to my friend from Connecticut.

One, we are really concerned, at its heart, about changing the things that are not working in America and we think there are—these are deep and significant. When you realize, with 13 judges in your county, it is still taking 5 years to get to court, you know something is not working right.

Second, what we are proposing here in our contract is substance, these are real bills with real details. This is not some press release or some press conference, but rather a detailed systematic effort led by Congressman ARMEY, the conference chairman involving many Members of the Congress and many candidates across the country to develop a real good substantive program of reform.

Third, the thing I was most struck with today in what I thought was a sad performance by the Democrats during the 1-minutes today, that we are being totally positive. The gentleman from New Jersey did not bash the Clinton administration, he did not talk about the Democrats just now. He talked about real problems in the litigation system, real problems in the courts and our effort to find a real solution. And that would be a fabulous turnaround for America if this fall we could have a campaign between two sets of solutions, we could have the Clinton administration, the Democrats offering their solution to these problems, and we would be offering our solutions and let the country choose which one they like.

I yield to my friend from Connecticut.

□ 1810

Mr. SHAYS. Mr. Speaker, I just would like to weigh in again as a rank and file Member and emphasize that I heard one of the individuals speaking today and talking about how there was this top-down emphasis that we, as rank and file Members, would have to go lockstep in a contract with the American people, and that is an individual who simply did not know how this was generated. This was a bottomup. It was every Member weighing in whether it was moderate Members in the Republican Caucus or the most conservative, and these are elements in which we find tremendous commonality.

I mean I would like not to have to have a balanced budget amendment, but as someone on the Committee on the Budget and someone who has continually tried to get our financial house in order, I do not see any other alternative, and I believe that it has to happen. I think the tool of a line-item veto is more important, and during that debate I will probably put more emphasis on that, but it is going to have my vote, a balanced budget amendment, a line-item veto, and all of us who stepped forward on the Capitol steps, 300 strong, are saying to the American people, "If you elect us, this is what will happen."

I look at what I am seeing Republicans do around the country, and it is exciting to see Republicans elected in Democrat States like Massachusetts, and I have seen what Governor Weld was able to do. In Connecticut, we raised taxes, instituted a new income tax. Governor Weld had the same option in Massachusetts because he had serious financial challenges, and he chose to veto budgets until he got budgets that were able to be balanced without any tax increase. One of the exciting things he did there, which we know we have to do here, is we have to take the entitlements, take them off automatic pilot, and put them back on as an appropriated expense. Welfare in Massachusetts is an annual voted item because of the leadership of a Republican.

I mean I get excited thinking that for the first time in 8 years that I have been a Member, if I am fortunate enough to be returned, that I will be able to deal with these issues on the floor of the House, know that there will not be restricted votes, know that we will not have king-of-the-hill amendments so that everybody gets to vote for every amendment, but then the amendment that is designed to ultimately pass passes, but to know we are going to have open and free debate on the issues the gentleman talked about.

I say to the gentleman, "You talked about the issue of commonsense legal reform, and I thought basically you were going to consume the rest of our time because there was so much in it. We could go through each of these issues, the budgetary side and so on, and again as a member on the Committee on the Budget, what is exciting is that we are going to pay for every tax reduction, if, in fact, a tax deduction does not include more revenue. In many cases it will. A capital gains exemption by almost any outside expert knows that it is going to encourage economic growth and provide more revenues.

I look at the senior citizens earning limit and think why do we want older Americans not to work? Why would we want to take those who have the greatest experience? And it seems to me, if we get older Americans to work, why should they be penalized by an earnings limit? Let them work. If they are working, my logic says they are paying taxes, and to me that seems so logical.

We are going to have a debate on the floor of the House if we have enough Members who have signed this contract elected.

Mr. GINGRICH. Let me just say that, again going back to why we are having a little bit of a problem over how we score, how much would this cost, the fact is the very point I just made. If we get economic growth, if people get jobs, if people leave welfare and go to work, common sense tells you you just saved the money for the Government over here on welfare because you are not paying it, and by the way, since they are now at work, they are paying some taxes, so you are making some money for the Government over here. None of that, zero, was scored by the Clinton administration is assessing what they are doing because in their model they just do not show dynamic behavior. They do not show what people are doing.

And so I find it very frustrating in a way that here we are in a situation where we are trying to develop a real set of positive ideas, the Republican House contract with America. We are trying to lay out for people 10 major bills to be brought forward in the first 100 days, 3 major things to be done on the opening day, and, by the way, my pledge is, as I hope I would be the Republican candidate for Speaker if we are a majority, and my plan would be to take this very ad out of TV Guide, and keep it at the Speaker's desk, and make it available at the time, and I yield to the gentleman from California.

Mr. ROHRABACHER. I would just like to ask you, as our leader, NEWT, why it is that we cannot do these things now. I do not think many of the people who were watching understand just what kind of restrictions we are under as Members of the House of Representatives as a minority. Some people do not even know that we do not control—for example, none of the chairmen of any of the committees is a Republican. Many of them—you know I had fought a big battle on the illegal alien issue in these last couple of years, and time and time again I have been thwarted from even bringing up this by parliamentary moves on the part of the majority party.

Now these things we are talking about as part of our 10 points, we would have liked to have done this a long

time ago, but over, and over, and over again the Democrats who control the majority, they will not even let us bring it to a vote on the floor of the House.

Mr. GINGRICH. Well, of course, that is part of the difference. One of the reasons we are saying this will happen if we are a majority is because, if we are a majority, it is the Speaker's power to recognize, it is the Speaker's power to schedule, so we are then in a position to say, "Hey, we are going to do this," and, if we are a majority, we can. We cannot make this same commitment if we are not a majority because we have every evidence to believe that the Democrats will block these ideas, and in fact at this very moment they are blocking, and that is part of the problem.

Let me yield to another friend from California who is here.

Mr. CUNNINGHAM. I thank the gentleman from Georgia.

I heard Jack Kemp make a statement last weekend at the Republican convention in San Diego, and I also heard you, NEWT, speak to a group, Women Who Win, to emphasize the same issue, and that issue was that it should not be the Republicans' position just to trash or debate Democratic ideals, but to come up with new ideas and new formulas that are better, and I think that what you have done with these pledges are better ideas—and to sell it to the American people.

And I look at history to establish certain ideals, and I look at 1986, and there was a budget deal that for every tax dollar that comes in we will cut spending by three, and the other side of the aisle said, "We're going to give you an ultimate way to do that, to control the budget," and that was called Gramm-Rudman, and Republican Presidents bought into that. But it was not enforceable.

Then in 1990, Mr. Speaker, George Bush had the same pledge, for every tax dollar that comes in we were promised on the other side of the aisle that we will cut spending by $3, and to do that we are going to put caps on every budget, and we are not going to allow you to spend any more than that. That was unenforceable.

And then the Clinton tax that comes up, the largest tax in the history of this country outside the 1990 tax, and yet even in a crime bill we waive the Budget Act to increase by $9 billion money going into a crime bill. So, you cannot enforce it.

So, what I am trying to point out, a better idea, I would not have to take the checkbook away from my daughters if they manage their account well. I am happy to say I have not had to take that checkbook away because they are very fiscally conservative, except my older daughter maybe a little bit is a deficit spender sometimes. But at the same time the reasons why we are going to a balanced budget amendment——

Mr. GINGRICH. If she hears you said that, you may be in trouble when you get back.

Mr. SHAYS. Do you want to strike your words?

Mr. CUNNINGHAM. No, my oldest daughter, I apologize, but my oldest daughter is somewhat of a deficit spender. My 12-year-old is actually loaning her money at 10 percent interest. I mean she is going to be the business person in the family, and she calculates daily interest on a 486 computer at 12 years of age.

But Ross Perot was right in one issue, in the fact that the country's No. 1 issue is not crime, not health care, not education, but the national debt.

□ 1820

We spend $1.3 billion a day on just the interest, and we are spending beyond what our children have. And the reason for a new idea, like a balanced budget amendment, is not a new idea. We would not have to have the idea if the problem did not exist. What we are trying to do is come to the resolution of a problem in a very effective way, because Congress cannot control itself.

I commend the gentleman from Georgia. I think this is one of the most dynamic, inspiring deals that I have been involved with in the 3 years I have been in Congress.

Mr. GINGRICH. Let me say the purpose of taking this time tonight is to say this is about substance, about solutions, and about being positive. I would like to challenge our Democratic friends to try to develop their version of 100 days that has the same positive substance and solution orientation, and not to just degenerate into negative 1 minutes because they have nothing better to say.

CERTAIN GATT PROVISIONS UNFAIR TO AMERICAN INVENTORS

The SPEAKER pro tempore (Mr. BISHOP). Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, the greatest crime of the decade is in progress, and very few people in this House and very few people around the United States of America realize what a heinous crime is about to be perpetrated. Billions of dollars that should be going into the pockets of America's innovators will instead be going into the bank accounts of multinational and Japanese corporations. Unbeknownst to 99 percent of all Americans, as well as, and get this, 90 percent of my fellow Members of Congress, unbeknownst to all of us, hidden in the GATT implementation language is a provision that will dramatically reduce the length of patent protection for America's most creative people.

This administration, encouraged by wealthy and powerful Japanese and multinational corporations, has slipped this provision into GATT, and if it stays in GATT and the GATT passes, Americans will pay dearly. The insidious aspect of this is that it is being done in disguise. The wording of this provision would lead all of us, even those who know what is in there, to conclude that the length of patent protection is actually being extended. What it says now today, American inventors are protected for 17 years from the time they are issued a patent. The changes in the GATT language say they will be protected now 20 years from the time they file for their patent. That would make you think they have 20 years of protection.

American inventors are not fooled, because they know that patent pending means nothing. This provision in GATT will basically, for America's inventors, cut their protection half, maybe to a third, and maybe wipe it out altogether.

Billions of dollars' worth of royalties that would have been going to America's inventors, will now be in the bank accounts of Japanese corporations and multinational corporations.

The first insidious aspect is the language makes it sound like it is actually extending the protection, when in reality we are reducing the protection for Americans. Another insidious aspect is we are being told this change is mandated by the GATT treaty itself. That is why it is in the GATT implementation language.

Well, the fact is, it is not mandated by GATT. This is a special interest provision that has been slipped into a treaty and presented to this body as if it is mandated by that treaty. That will benefit special interests to the tune of billions of dollars, yet it is not mandated by GATT. This is a crime against this Congress. It is a crime against the people of this country. What will happen if it passes? Inventors will be ripped off, as I say, to the tune of billions. American universities, which now develop many innovations and patents, and often patents are left to universities, will lose billions and billions of dollars that are now going into the coffers of our universities to educate our people and provide money for research and development.

In fact, private research and development, which is predicated on the idea that you are going to have 17 years worth of protection, that private research and development money that has been so essential for American prosperity, will dry up because why should investors be investing in something when they do not have the same length of patent protection? In fact, they may not get any protection for the inventions they come up with at all.

Also, when all of this happens, of course, our balance of payments with

Japan and other competitors, will be greatly affected. Those royalties that should be going to American investors will now be going right into the products and bank accounts of those Japanese corporations. We, in fact, will lose a competitive edge, because these countries will no longer have to pay to use American technology. Our innovators, our creators will come up with the technology. They will use it. The length of time they have to pay to use it is diminished so greatly, the costs will be greatly minimized to those corporations overseas. American competitiveness will be hurt dramatically.

America's future depends, as it always has, on our ability to come up with a better idea, to come up with a better approach. America's inventors, our innovators, our creative genius, has been the mainstream of our prosperity, wealth and freedom. And what we are doing and what this administration is doing by a stealth tactic is underhandedly trying to steal this away from the American people. We cannot put up with it.

I would hope that my colleagues would realize what is in the GATT implementation legislation. I am pleading with them. Please pay attention to the details. Stop this ripoff. Stop this crime that is in progress.

REGULATORY RELAY LAP NO. 3—ROOFING INDUSTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes as the designee of the minority leader.

Mr. DELAY. Mr. Speaker, I will not take the whole special order. I know the staff has worked long and hard today, and they are anxious to get home to their families. But I had to come over to the floor to talk about something that is really important, and we started another leg today of our regulatory relay.

Mr. Speaker, the importance of small businesses when it comes to stimulating job creation and economic growth seems to be pretty well understood. Unfortunately, however, the actions of the current administration run completely counter to this knowledge, and instead are strangling the small businesses in this country. President Clinton has not only raised taxes, he also imposed new mandates through the Family and Medical Leave Act and has fought for a health care package that without a doubt would shut down some of these small businesses.

Furthermore, little has been said about one of the biggest obstacles small businesses face to economic growth—the problem of overregulation. Over the last 4 years, the regulatory burden has grown tremendously, and as a result the private sector has lost nearly 2 million jobs since early 1990. Federal regulatory costs are estimated—conservatively—to be about $600 billion annually. This translates into $2,500 for every man, woman, and child in America. Much of this cost is so hidden that it doesn't show up on any sales or paycheck receipts.

And regulations don't only cost money—they also cost time. The chief paperwork manager at the Interior Department has estimated that Americans spend about 12 billion hours a year—48 hours per capita—simply dealing with Federal forms. Imagine the productivity that is lost as a result of this burden.

As chairman of the Republican Research Committee's Task Force on Competitiveness, I have tried to promote an awareness of the problem of overregulation. This morning I held a press conference to run a third lap of the Republican Regulatory Relay. Created in 1992 in conjunction with President Bush's moratorium on new regulations, the regulatory relay was instituted to fight the regulatory bureaucracy and highlight the barrages of unnecessary and ill-conceived regulations that are forced down the throats of American businesses and American consumers.

This year the relay has focused on particular industries to highlight the regulatory burden carried by that particular trade. The first industry featured was the dry cleaning industry in May, and the second was the restaurant industry in July. This month we are concentrating on the roofing industry; I'd like to commend the National Roofing Contractors Association for all of its hard work on regulatory reform throughout the years.

In fact, 2 years ago, the president of NRCA wrote an article for the Wall Street Journal entitled "So You Want to Get Your Roof Fixed," which details what a typical roofer has to go through to complete a simple roof repair. The number of rules and regulations a roofer must comply with is staggering. And frighteningly, very little has changed since then. If anything, things have gotten worse. I would like to submit a copy of that article for the CONGRESSIONAL RECORD so that everyone can get an idea of what roofing entails.

The article follows:

[From the Wall Street Journal, Feb. 4, 1992]

SO YOU WANT TO GET YOUR ROOF FIXED . . .

(By Richard Rosenow)

Suppose you own a roofing business, and one morning you get a call from your neighbor, whose garage roof is leaking. He tells you that the roof is asphalt-based, and you agree to send a repair crew to try to fix it. In order to fully comply with federal regulations that are in effect today, you would have to:

First examine the roof to determine whether asbestos is present. There is a good chance that an asphalt roof will at least include asbestos-containing base flashings and cements; if they do, Environmental Protection Agency regulations will apply, and Occupational Safety and Health Agency regulations may apply.

It is very likely that you won't know from a visual examination whether asbestos is present. In that case, you will have to cut a sample from the roof, and patch it to avoid leaks at the point of the sample cut. You will then send the sample, after you have bagged it properly, to an accredited laboratory, and delay your repair work until the sample is analyzed. (In some states, only a certified abatement contractor is allowed to make this test cut.)

If you discover that asbestos is contained in the roof, you must:

Notify the owner (your neighbor) in writing;

Notify the EPA Regional Office (10 days prior to beginning work, which will mean your neighbor's roof will continue to leak);

Be sure that at least one person on your repair crew is trained to satisfy EPA requirements; and

Conduct air monitoring on the job, once you are able to start work, to determine whether emissions of asbestos will exceed OSHA's action level. You can't do this, of course, until the 10-day EPA notification period has passed.

Once you begin any repair work, you will have to "adequately wet" the materials. EPA defines this as "thoroughly penetrating" the asbestos-containing material, which is an interesting concept for a waterproof material like asphalt. EPA also stipulates that there be no "visible emissions" on the job, even if you can demonstrate that the emissions contain no asbestos fibers.

You will then have to vacuum the dust generated by any "cutting" that you do, put it in double bags, and take it to an approved landfill.

You will also be responsible for prohibiting smoking on the job site, and are subject to fine if one of your employees lights up.

You will probably wonder why your neighbor will be asked to absorb all of the costs associated with these steps, since hundreds of test samples have shown no asbestos exposures above acceptable limits in roofing operations.

You must ensure that your crew is trained about any hazardous materials that they may encounter. (These will include the gasoline you use to power the pump on your roofing kettle.) You will also have to be sure that copies of the appropriate Material Safety Data Sheets are present at the work site, and that all containers are properly labeled.

Your crew must also be thoroughly trained in handling these materials. This will be determined not by what steps you have taken to train them, but by what your employees tell the OSHA inspector who asks them what they have been taught.

Because you are transporting asphalt at a temperature above 212 degrees, so that your crew won't have to wait two or three hours at your neighbor's home for the asphalt to heat, you must:

Mark the side of your roofing kettle with a sticker that says "HOT" in capital letters;

complete shipping papers before the truck leaves your yard;

have emergency response procedures developed in the event the kettle should turn over en route to your neighbor's home;

be sure that your driver has been drug-tested, and has a commercial driver's license;

be sure that the driver completes his log sheets for the day, and stops 25 miles after he

leaves your yard to see if the load has shifted;

be sure that your kettle has a hazardous material placard, in addition to the "HOT" sticker mentioned above.

Because your vehicle is being driven for work-related matters, you must be sure that the driver wears his seat belt, and has received driver training. If he does not wear his seat belt, you, of course, will be fined.

Assuming you have met other OSHA safety standards, and are satisfied you will be in compliance with local and state regulations, it is now safe for you to begin. Your most dangerous act, however, is yet to come; presenting your neighbor with his bill, and explaining why your costs have increased so dramatically in the three years since these regulations have been promulgated.

Although regulations are often well-intended, in their application too many are overly oppressive, unreasonable, and even irrational. I'd like to give you a few examples:

First, last May, Competition Roofing Inc., of Houston, TX, was visited by an OSHA inspector and was cited 23 times for a grand total of $13,200 in fines. Its violations? A cut in the outer insulation of an extension cord that had been taken out of service racked up three citations, while a bent rung on the bottom of a ladder was worth four. In addition, a $400 fine was issued for a splintered handle on a broken shovel that had been placed in the back of a truck after it had been broken.

Second, in Fresno, CA, Fryer Roofing Co. was cited by the State OSHA office for two alleged violations. To quote directly from the president of the company:

The first citation was issued for not having a fire extinguisher at the kettle. The foreman explained that on three consecutive days our fire extinguisher had been stolen by transients walking through the alley. Rather than risk losing another, the foreman chose to place the extinguisher at the top of the ladder near the roof's edge, so that it was readily available in case of an emergency.

The inspector disagreed with the decision and suggested that it should have been hidden from view under paper wrappers (asphalt cartons) beneath the kettle. Obviously, it would have been impossible to reach the extinguisher if the kettle had caught on fire.

The second citation was for the foreman not wearing a long-sleeve shirt. In fact, he was wearing a long-sleeve shirt, but chose to roll it up two cuff widths between his wrist and elbow.

Third, an OSHA compliance officer visited a job site and happened to inspect a pickup truck in the parking lot. Despite the fact that the truck was the personal property of an employee on the job, the OSHA inspector felt that a search was warranted. He found a small propane welding torch in the truck that the employee used for odd jobs on his own time. Unfortunately, the label had fallen off of the torch, so the inspector cited the employer for failure to properly label the torch.

Fourth, the day after the installation of a new roofing system, two workers were doing some detail work at the roof edge to finish a job. They were visited by an OSHA compliance officer who, without ever going up on the roof, determined that the employer had violated the fall prevention standard because there was no warning-line system in place. Despite the fact that having a warning-line system would not have made any difference in terms of the workers' safety, the OSHA officer issued a citation to the employer under the fall prevention standard.

Fifth, an OSHA inspector was at a site to conduct employee interviews, and asked one of the employees, "Do you have MSDS's?" The employee responded, "Not me. I'm perfectly healthy." Although the employer was able to demonstrate that the employee had received training on OSHA's Hazard Communication Standard, including training on material safety data sheets—forms an employer must fill out describing how to handle hazardous substances—the employer was issued a citation for failure to conduct appropriate hazard communication training.

These kinds of situations make me wonder whether the priority for regulatory agencies is worker health and safety or to find citations and issue fines. To demonstrate how ridiculous some of these regulations are, I'd like to read through a list of the National Roofing Contractors Association's top 10 favorite roofing regs:

10. Have repair truck drivers stop to check for shifting loads after driving 25 miles on their way to a job site 30 miles away. (DOT Federal Motor Carrier Safety Regulations.) This is vital, especially since roofing repair trucks carry such huge loads of hammers and nails.

9. Spray water on roof while taking it off. (OSHA Final Asbestos Regulations.) As you can imagine, it is very safe to make a slanted roof slippery while you are standing on it.

8. Require fire evacuation plan for roofing workers. (General OSHA.) It's important to identify which are the fire exits when you're working on a roof.

7. Fine employer if roofer smokes on the job. (OSHA Respirator Rules.) That's right, it's the employer's fault if a worker breaks the rules.

6. Fine employer if roofer refuses to wear a hard hat. (OSHA General Construction Standard.) Again, fining the employer is really going to be an incentive for a worker to follow the rules.

5. Require prevention plan for AIDS exposure in roofing work. (OSHA Bloodborne Pathogen Standard.) As you all know, working on a roof is up there with drug use on the list of activities most likely to spread AIDS.

4. Train employees on the hazards of exposure to deadly materials like chalk, lumber and dishwashing detergent. (OSHA Hazard Communication Standard.) No further ridicule needed.

3. Post sign saying respirators are required even when they are not. (OSHA Final Asbestos Regulations) Useful.

2. Prohibit gum chewing while roofing. (OSHA Final Asbestos Regulations) Everyone knows that these are mutually exclusive activities.

1. Label roofing kettles "Hot." (DOT Elevated Temperature Materials Rule) It's not enough that anyone within several feet of a roofing kettle will be able to FEEL the heat emanating from the kettle.

The good news is that some small businesses are rising up to say "no more." Last year, the National Roofing Contractors Association sent out a survey to all of its members. Entitled the "Excessive Government Regulation Survey," it asked respondents to list "any government-required activity that [they found] excessive, overly time-consuming, overly complicated, impractical, or poorly conceived." The survey further asked respondents to provide a rough estimate of their company's cost to comply with the requirement, as well as to rate each regulation on a scale of 1 to 10, with 10 being the most excessive or absurd. The respondents were given blank forms to fill out—they were not prompted to give responses on any specific regulations, so their comments are entirely of their own making.

The responses received were honest, poignant, and to the point. Simply put, the Government is going too far. Many of the Federal regulations that exist today are unreasonable, unnecessary, and even unbelievable.

I would like to focus on some of the issues that were raised by the respondents of the roofers' survey by reading directly from a few of the surveys. I am sure many of you who are listening right now will agree with what they have to say.

Here is a personal example of the excessive compliance enforcement, mining safety, and health. The regulation is, all miners are required to participate in a miners' safety program. All persons that set foot on a mining property are considered miners, no matter what they do.

What happened? We were installing a new roof on top of a non-functional building at a non-operational mining facility. The Mining Safety Inspector shut down our job. They required our people to receive three days classroom instruction before resuming work, and fined us for noncompliance. Bear in mind, this was a non-operational facility, our people were in no way connected with mining operations on top of a roof. This little fiasco cost us approximately two weeks production, several thousand dollars in wages and instruction, and caused our project to be carried over another year because the delay prevented completion before winter.

Another writes in and says, on the materials safety data sheets, why they were excessive in their regulations: "Hazardous materials certainly need to be designated as such, however, MSDS sheets for steel, roofing gravel"—that is hazardous material—"nails and screws, preformed roof expansion joints, wood, fire extinguishers, sand, pop rivets, et cetera, are ridiculous. One of our friends recently received a $200 fine for not having MSDS sheets for chalk in chalk lines."

I could go on and on.

□ 1850

Compiling real-life stories from people who actually have to deal with Federal regulations on a day-to-day basis

is the best way to gain an understanding of the problems that they face. I hope other industries and associations will follow the roofers' examples. It is high time that some sense be instilled into this regulatory mess. With the assistance and determination of groups such as this one, we might soon make some headway. It is particularly timely for us to be discussing this topic because next week on September 27 all House Republican incumbents and candidates will gather on the steps of the Capitol to sign their contract with America. This is a signed contract, saying if the American people will just give the Republicans the honor of being in the majority next year for the first time in 40 years, they will bring to a vote within 100 days 10 bills dealing with important issues that have not been openly debated in this House. One of those bills includes the regulatory reform package which is the result of much work on the part of the team of the members that I chair on the research task force on competitiveness. Overregulation stifles job creation, efficiency, and innovation. It also raises the cost of living to Americans. No wonder Americans today are paying 53 percent, and I repeat, Americans today are paying 53 percent of their income to government in one form or another. If you take all the tax policy and add to that the cost of regulation, 53 percent of American families' income goes to the cost of government.

If Americans are to succeed in today's highly competitive economy, we have got to break the chokehold of regulations around the neck of every budding entrepreneur and allow them to compete freely.

Mr. EWING. Would the gentleman yield?

Mr. DELAY. I would be glad to yield to my good friend from Illinois, the gentleman who is a businessman in his own right and has done some incredible work on regulatory flexibility and we appreciate the work that the gentleman has done.

Mr. EWING. I congratulate you for this special order and for all the work you have done on trying to fight the problem of too much regulation. I think any of us that are out there visiting with our constituents knows that excessive regulation ranks very, very high in the frustration of our constituents.

The gentleman has pointed out some excellent examples of regulations that do not work. Do you know why we have those?

Mr. DELAY. No.

Mr. EWING. I happen to believe a lot of it is because the bureaucrats have no experience in the real world. As you know, I have been working on trying to improve the regulatory climate for small business particularly with my Reg Flex Act. People that are making these regulations have no idea how small business operates. They think that every small businessman reads the Federal Register or has somebody hired to read the Federal Register so they know these regulations are coming up and they can put their testimony into the comment period.

Does that happen?

Mr. DELAY. Not very often. It certainly did not happen in my small business. I could not afford even a lawyer to read the Federal Register for me, much less read it myself.

Mr. EWING. You afford a lawyer when they come knocking on your door and tell you that you have got a big fine coming or they are going to close you down or whatever the reason is because you did not follow a regulation you did not know existed.

I really believe that regulators are good people but I think they are totally misguided and they sit in the ivory tours in Washington and they make regulations that are supposed to cover businesses in Texas, California, Minnesota, Illinois, Rhode Island, across the country. It does not work. It does not work at all.

Mr. DELAY. It cannot work.

Mr. EWING. It cannot work. We have to get at that.

Mr. DELAY. Tell me, I think the gentleman ought to explain what he is attempting to do and has included in the regulatory reform bill that will be presented as part of the Contract with America that relates to regulatory flexibility. It is a commonsense approach to try to get accountability in the regulatory bureaucracy.

Mr. EWING. Let me explain the background. During the Carter administration in 1980, this problem was serious enough that the Congress acted. The President signed the law. It was called the Regulatory Flexibility Act, designed mostly for small businesses, not the multinational corporations that have big staffs, but small businesses and local governments, which are also adversely affected by regulation. This provided a certain analysis that was to be done on every regulation and to see if it was very expensive and very difficult for a small business to handle. If it was, they were supposed to look for another way to achieve their goal, the regulation. But it said if you find there is no adverse effect, this will just disregard this law.

Well, there was no teeth in the law. As a small businessperson, if they put a regulation on me that put me out of business, there was no way I could challenge them if they had found that it had no adverse effect. So consequently, since 1980, and here we are in 1994, we have a bill that looks good but is absolutely worthless.

Do you know in that bill, there is a provision that every regulation must be reviewed at the end of 10 years? We have so many that are outdated or should never have been in it. Do you know how many have been affected by that part of the law?

Mr. DELAY. No. How many?

Mr. EWING. None.

Mr. DELAY. Zero?

Mr. EWING. Zero.

Mr. DELAY. Not one has ever been taken off the books?

Mr. EWING. It has not been applied. Because there is no way for a business or a group of businesses or an association to make the Federal Government do it. So very simply, we said that small business will have a right to challenge in court the regulators if they do not follow the law. Because the original Regulatory Flexibility Act said there shall be no judicial review of this. Well, that is like turning the fox loose in the chicken house. There is no one to control it.

Unfortunately, we are at the point now where 250 Members of this body signed onto that bill. Even the President and the Vice President have said, "This is important." It has been put on a bill in the Senate by Senator WALLOP. But unfortunately, the bureaucrats have so much power that they keep coming to us, "Would you accept this modifying language, this restricting language?" They are afraid to give American business the right to challenge them.

Senator WALLOP and I have both said, "No." We want regulatory flexibility with judicial review, nothing less, nothing for the bureaucrats to hide behind, no way for them to get out of it and say, "You can't challenge us. You didn't file a paper with us during the hearing period."

Mr. DELAY. Let us look at that. What the bureaucrats are saying, you cannot exercise your rights as a free American to go to the courts, to address a grievance because the bureaucrats say that during the promulgation of the regulations, you did not as a small businessperson come up here or write up here during the comment period, right? Is that not what you are saying?

Mr. EWING. That is right.

Mr. DELAY. So if a regulation, and most of us do not know about regulations unless you read the Federal Register every day of what is going on, it comes a year or so later after it has already been implemented, you find out that it has adversely affected you, if you did not a year or so before write a letter or come testify, come to Washington to testify during the comment period, then you have no standing in court?

Mr. EWING. That is right.

Congressman DELAY, you have been good enough to visit my hometown, which is just a real quiet, county seat town, Pontiac, IL, in rural Illinois, surrounded by beautiful farms and small businesspeople.

Do you think that they have any fathom about the rulemaking process

in Washington DC? Of course they do not. They just do not. And they have no way and no staff to do that for them.

Mr. DELAY. I heard there was another proviso that they wanted. They wanted you to accept, and I cannot remember the days, and maybe you can refresh my memory. If you wanted to bring a grievance to court, you had to do it within 60 days after the regulation? Was it 60 days?

Mr. EWING. Sixty days.

Mr. DELAY. Sixty days after the regulation had finally been passed?

Mr. EWING. Yes. Or after the close of the comment period. You would not even know about it yet.

Mr. DELAY. You would not even know about the regulation?

Mr. EWING. No.

Mr. DELAY. You probably would not even have received a memo from your trade association if you belonged to a trade association or your industry.

□ 1900

But you got a 60-day window and you have to sue within that window or you have lost your standing in the courts and lost your freedom as an American businessperson.

Mr. EWING. That is right. And we want to restore that. If we do not do that this year, and I think we can still do it this year if this Congress will take hold of it, and if they will quit trying to limit it through the bureaucracy and let the tail that is down there in those beautiful glass and marble buildings along the Mall wag the tail of this Congress, we can still give them judicial review. It has been the top item at all of the President's small business conferences around the country.

Mr. DELAY. The gentleman has done incredible work in trying to bring some sense to this whole regulation process. Of course, in your regulatory reform process we have risk assessment, cost-benefit analysis. It only makes common sense if you are going to promulgate a regulation you ought to look at what it is going to cost society and what kind of benefits you are going to get from that cost.

We also have a regulatory budget in that bill where we set limits of the numbers of regulations that can be issued by the Federal Government. Then we start working to take them off, enforce the review that the gentleman was talking about, and we have a regulatory bill of rights. American citizens should be free from the oppression of a Gestapo-like inspector coming, busting into their business, and usurping power and abusing you. You have certain rights, and we reaffirm those rights in that regulatory reform bill.

Mr. EWING. I am just operating on such a small part of this, but everything the gentleman says is correct. Risk assessment is so important. The regulators are so hard up for enforcement that it may be 2 or 3 years before anybody gets to your door. By that time your fine is so high that you might as well just can it.

But they are also trying to get people to turn in their neighbors. We do not want a society where regulations are enforced because the EPA or some other agency does not feel like they have the staff by having a neighbor turn in a neighbor. We have enough problems in our society without that.

Mr. DELAY. That is true. Does the gentleman have any more to add, because I am going to have to close this special order.

Mr. EWING. No. I just want to thank the gentleman for allowing me to participate. The gentleman is doing a great job on the regulatory reform, and I look forward to working with the gentleman.

Mr. DELAY. I thank the gentleman for taking his valuable time. It is 7 o'clock in the evening, and it shows that the gentleman from Illinois [Mr. EWING] is a hard-working Congressman and a hard-working Member of this body, and we appreciate the effort that he is putting in, not only on this issue but many other issues, trying to bring a little sense to a Government that is too big, spends too much, and is too intrusive in our lives.

CONFERENCE REPORT ON H.R. 4602

Mr. YATES submitted the following conference report and statement on the bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies, for the fiscal year ending September 30, 1995, and for other purposes:

CONFERENCE REPORT (H. Rept. 103–740)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4602) "making appropriations for the Department of the Interior and Related Agencies, for the fiscal year ending September 30, 1995, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 12, 13, 18, 21, 29, 45, 46, 71, 72, 83, 84, 85, 92, 93, 94, 96, 100, 104, 107, 108, 109, 110, 111, 114, 115, 117, 118, and 119.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 24, 25, 26, 28, 31, 34, 40, 42, 44, 51, 53, 54, 59, 60, 61, 63, 64, 66, 68, 69, 76, 82, 87, 97, 102, 106, 112, 113, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$598,449,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$598,449,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$12,091,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$14,785,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$97,550,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$513,815,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$53,914,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$67,410,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of the sum named in said amendment, insert: *$9,000,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,079,963,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *"Operation of the National Park System" account for purposes for which such fees are authorized, as approved by the Secretary and subject to the reprogramming guidelines of the House and Senate Committees on Appropriations: Provided further, That these funds shall be used for one-time, nonrecurring purposes only*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$43,023,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$41,500,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$184,941,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *: Provided further, That $256,000 for rehabilitation of the William McKinley Tomb and $500,000 for the Penn Center shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided further, That notwithstanding any other provision of law, a single procurement for the construction of the vessel exhibit at Salem Maritime National Historic Site may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$7,500,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$87,936,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$250,000 per incident*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$572,556,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$189,056,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$68,184,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$152,719,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$100,065,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$110,006,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$182,772,000*; and the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,500,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,526,778,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *and of which not to exceed $95,823,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts authorized by the Indian Self-Determination of 1975, as amended: Provided, That tribes and tribal contractors may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants or compact agreements*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *not later than July 15*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *: Provided further, That the Secretary shall establish a Joint Working Group on ISEP Funds Allocation to consult with Indian tribes and schools on improving the basis for allocating Indian School Equalization Program funds*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *: Provided further, That funds made available in this or any other Act for expenditure through September 30, 1996 for schools funded by the Bureau of Indian Affairs shall be available only to the 187 schools which will be in the Bureau of Indian Affairs school system as of September 1, 1995*; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$130,270,000*; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *Provided further, That for the fiscal year ending September 30, 1995, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR Part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to Section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed; and the funds shall be disbursed in not more than two payments per year: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f); Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e)*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of the sum named in said amendment, insert: *$2,000,000*; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$80,239,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$75,962,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$4,277,000*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$24,602,000*; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$34,674,000*; and the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

SEC. 112. If the House-Senate Conference Committee on H.R. 322 fails to report legislation which is enacted prior to the adjournment of the 103rd Congress sine die, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any mining or mill site claim located under the general mining laws.

SEC. 113. The provisions of Section 112 shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of this Act, and (2) all requirements established under Sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and Sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and Section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date; and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: *115*; and the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$200,130,000*; and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$161,264,000*; and the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,345,112,000*; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$159,590,000*; and the Senate agree to the same.

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$203,186,000*; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$71,443,000*; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$131,743,000*; and the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$65,436,000* ; and the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment, insert: *$442,614,000* ; and the Senate agree to the same.

Amendment numbered 88:

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment, insert: *$793,194,000* ; and the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment, insert: *$278,399,000* ; and the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment, insert: *$226,800,000* ; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$22,539,000* ; and the Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment, insert: *$1,713,052,000* ; and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That notwithstanding any other provision of law, the Indian Health Service clinic in Stilwell, Oklahoma shall be known and designated as the "Wilma P. Mankiller Indian Health Clinic": Provided further, That any reference in a law, regulation, document, record, map, or other paper of the United States to the clinic referenced in the preceding proviso shall be deemed to be a reference to the "Wilma P. Mankiller Indian Health Clinic": Provided further, That funds appropriated in fiscal year 1994 to increase the level of need funded for the Ponca Tribe of Nebraska may be used to purchase land with an existing improvement to be used as a tribally owned health care facility: Provided further, That the Secretary, acting through the Indian Health Service, may contract with the Southcentral Foundation for the operation of the Dena A Coy substance abuse treatment program in Anchorage, Alaska under the authority of Public Law 93-638, the Indian Self-Determination Act, 25 U.S.C. 450*; and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

Retain the matter inserted by said amendment amended as follows:

After the word "money" in said amendment insert: *heretofore and hereafter*; and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *as amended, including, to the extent determined necessary by the Secretary, continuing projects begun under the Indian Education Act of 1988,*; and the Senate agree to the same.

Amendment numbered 103:

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$11,213,000*; and the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$4,050,000*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 312. Notwithstanding any other provision of law in fiscal year 1995 and thereafter, appropriations made available to any department or agency in a Department of the Interior and Related Agencies Appropriations Act shall be available to that department or agency to reimburse the representative (as that term is defined by applicable law) of employees killed in the line of duty after January 1, 1994, and in subsequent fiscal years, for burial costs and related out-of-pocket expenses: Provided, That the amount of such reimbursement may exceed the $800 limitation in 5 U.S.C. 8134(a): Provided further, That funds provided pursuant to this authority may not exceed $10,000 per employee.

SEC. 313. With the exception of budget authority for "Miscellaneous payments to Indians", Bureau of Indian Affairs, Department of the Interior; "Salaries and expenses", National Indian Gaming Commission, Department of the Interior; "Payment to the Institute", Institute of American Indian and Alaska Native Culture and Arts Development; "Salaries and expenses", Woodrow Wilson International Center for Scholars; "Salaries and expenses" and "National capital arts and cultural affairs", Commission of Fine Arts; "Salaries and expenses", Advisory Council on Historic Preservation; "Salaries and expenses", National Capital Planning Commission; "Salaries and expenses", Franklin Delano Roosevelt Memorial Commission; and "Salaries and expenses" and "Public development", Pennsylvania Avenue Development Corporation, each amount of budget authority for the fiscal year ending September 30, 1995, provided in this Act, for payments not required by law is hereby reduced by 0.191 per centum: Provided, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

And on page 49 of the House engrossed bill, H.R. 4602, after line 15, insert the following:

For an additional amount to cover necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $200,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to Section 252(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, for necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $250,000,000, to remain available until expended: Provided, That these funds, or any portion thereof, shall be available only (1) to the extend that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and (2) if the amounts annually appropriated under this heading, but not designated as emergency requirements pursuant to Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, have been at least equal to the most recent ten-year historical average, less any enacted cost saving program reforms: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

And the Senate agree to the same.

SIDNEY R. YATES,
JOHN P. MURTHA,
NORMAN D. DICKS,
TOM BEVILL,
DAVID E. SKAGGS,
RONALD D. COLEMAN,
DAVID R. OBEY,
RALPH REGULA,
JOSEPH M. MCDADE,
JIM KOLBE,
RON PACKARD,
Managers on the Part of the House.

ROBERT C. BYRD,
J. BENNETT JOHNSTON,
PATRICK LEAHY,
DENNIS DECONCINI,
DALE BUMPERS,
FRITZ HOLLINGS,
HARRY REID,
PATTY MURRAY,
DON NICKLES,
TED STEVENS,
THAD COCHRAN,
PETE DOMENICI,
SLADE GORTON,
MARK O. HATFIELD,
CONRAD BURNS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4602), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 4602 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 103–551 or Senate Report 103–294 which are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

LAND EXCHANGES

The House report included language in the reprogramming guidelines requiring all land exchanges be submitted to the Committees on Appropriations before implementation. The managers have agreed to delete this requirement for fiscal year 1995 until there has been an opportunity to review the land exchange procedures of the Department of the Interior and the Forest Service.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Appropriates $598,449,000 for management of lands and resources instead of $596,349,000 as proposed by the House and $598,480,000 as proposed by the Senate.

The increase above the amount proposed by the House consists of increases of $100,000 in soil, water, and air management for continuing the playa inventory in New Mexico; $75,000 for noxious weed control in the Miles City District, MT and $100,000 for noxious weed control in the Richfield District, UT, both in range management; $100,000 in cultural resources management for Chacoan Outliers in New Mexico; $75,000 for the Mesa Archeological site, AK and $150,000 for the Baker City Flagstaff Hill Interpretive Center, OR, both in recreation resources management; and $2,500,000 for Alaska conveyance; and a decrease of $1,000,000 in information systems operations.

The managers agree that the reduction of $500,000 from the budget for land and realty management shall not be taken from funds budgeted for land exchange activity.

The managers agree that the land exchange pilot project in Douglas County, OR, which was addressed in a Senate floor colloquy, is an innovative approach to achieve ecosystem management objective and encourage cooperative efforts such as this when facing the challenges of ecosystem management on intermingled lands.

Amendment No. 2: Restates the final appropriation amount for management of lands and resources as $598,449,000 instead of $596,349,000 as proposed by the House and $598,480,000 as proposed by the Senate.

CONSTRUCTION AND ACCESS

Amendment No. 3: Appropriates $12,091,000 for construction and access instead of $3,836,000 as proposed by the House and $12,186,000 as proposed by the Senate. The decrease below the amount proposed by the Senate is $95,000 for the Oregon Trail Interpretive Center at Flagstaff Hill, OR.

LAND ACQUISITION

Amendment No. 4: Appropriates $14,785,000 for land acquisition instead of $17,060,000 as proposed by the House and $12,055,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Area	*Amount*
Arizona Wilderness, AZ	$630,000
Cache Creek, CA	500,000
Colorado River/Ruby Canyon, CO	500,000
Fishtrap Lake Conservation Area, WA	130,000
Idaho Lands, ID	1,500,000
Lopez Island (Chadwick/Pt Colville), WA	300,000
Lower Salmon River corridor, ID	750,000
Oregon National Historic Trail, OR	125,000
St. George Desert Tortoise, UT	2,000,000
San Pedro National CA, AZ	1,000,000
Unaweep/Tabeguache Byway, CO	2,000,000
West Eugene Wetlands, OR	750,000
Inholdings/emergencies	1,000,000
Acquisition Management	3,600,000
Total	14,785,000

OREGON AND CALIFORNIA GRANT LANDS

Amendment No. 5: Appropriates $97,550,000 for Oregon and California grant lands instead of $100,860,000 as proposed by the House and $97,383,000 as proposed by the Senate. The increase above the amount proposed by the Senate restores budgeted funding for the fiscal year 1995 pay increase.

ADMINISTRATIVE PROVISIONS

Amendment No. 6: Allows $100,000 for payments for evidence of violations of law as proposed by the Senate instead of $250,000 as proposed by the House.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

Amendment No. 7: Appropriates $513,815,000 for resource management instead of $514,650,000 as proposed by the House and $502,936,000 as proposed by the Senate.

The net change to the House position includes the following:

Increased:	
Mexican wolf recovery	$100,000
Hawaii captive breeding	200,000

Portland Metro Greenspaces	50,000
Rio Grande Bosque	200,000
South Carolina Coastal Ecosystem	200,000
ATTRA	1,280,000
Refuge operations	1,100,000
Alaska safety	300,000
Hawaii refuge operations	250,000
Yukon River	150,000
Forensics Lab	100,000
Philadelphia Port	100,000
Pacific Rim law enforcement	145,000
Alaska subsistence	250,000
Regional mark processing	200,000
Aquatic nuisance control	300,000
Training programs	1,100,000
Decreases:	
Endangered Species—Prelisting	
NAFTA	100,000
South Florida/Everglades	40,000
Listing (NAFTA)	50,000
Consultation	440,000
Permits	200,000
Recovery:	
Base	815,000
NAFTA	180,000
South Florida/Everglades	250,000
Forest Plan	1,000,000
Platte River	100,000
Coastal Ecosystem:	
Albemarle/Pamlico	75,000
Galveston Bay	200,000
Puget Sound	25,000
Refugees:	
NAFTA	375,000
Planning	1,582,000
Law Enforcement (NAFTA)	400,000
Migratory birds (NAFTA)	185,000
Harvest information program	113,000
North American Wetlands Management Plan	70,000
General Administration:	
FTS 2000	200,000
Pay/Pers/FPPS	50,000
Commercial Telephone	75,000
Printing/Reproduction	225,000
FEB/CASU's	25,000
Employee Assistance	35,000
Budgetwide/Servicewide Support	50,000

There is $250,000 available from the Puget Sound estuary program for salmon restoration activities on Hood Canal.

The managers are concerned about the illegal international trade in endangered species, particularly in Asia. To raise public awareness of this problem and to enhance the limited funds available for public education and endangered species protection, the managers urge the Fish and Wildlife Service, in cooperation with the National Zoo of the Smithsonian Institution, to study the feasibility of establishing a voluntary donations program at the Zoo associated with its endangered species exhibits. The report should include an estimate of the cost of implementing such a program, how collections would be managed and an analysis of options of how donations could be used to best support the objectives of the Fish and Wildlife Service's ongoing education and law enforcement efforts to control the international trade in endangered species. The report should be submitted to the Committees on Appropriations.

The managers have concern for the conditions under which captive orangutans and other exotic species are maintained. Every effort should be made to ensure that the law in this regard is enforced aggressively. The Office of Management Authority should promulgate and enforce standards for educational activities involving captive animals to ensure that the only activities which can receive endangered species act permits are those which demonstrate humane care of animals involved and a clear conservation benefit to the species.

The managers are aware of concern that the Fish and Wildlife Service is undertaking actions which can affect other agencies without undertaking coordination with the affected agencies. The Service should coordinate its resources category designations with affected Federal agencies prior to the designation of any habitat. The intent of such direction is to ensure that such coordination occurs at the earliest stages of the resource category designation process, and to ensure that the Service have available to it as much information as possible before making decisions. While the managers understand the view of the Fish and Wildlife Service that resource category determinations do not represent final separable decisions, the managers understand also that such evaluations are viewed seriously by other Federal agencies and citizens. Therefore, the Service should seek input from affected Federal agencies and give full consideration of the views of those agencies, with the goal of reaching informed, objective decisions which involve sound science and principles, when making resource category determinations.

The managers have provided increased funding to address the programmatic functions associated with the anticipated completion of the National Education and Training Center in 1996. The Department should move expeditiously to establish a field office presence near the project site, and the Department and the Service should assign the necessary staffing resources to accomplish the tasks identified for completion during fiscal year 1995. The managers also expect the Department and Service to consider the operating requirements of the training center when developing the 1996 budget. The reporting nature of this office will be further reviewed when the Fish and Wildlife Service submits its reorganization proposal.

The final year of funding for ATTRA in the Interior Appropriations bill has been transferred from the National Biological Survey to the Service. ATTRA is not a research program and is better suited for this last year in the Service.

The Fish and Wildlife Service is in the process of reviewing secondary uses on national wildlife refuges to ascertain the compatibility of various uses with the overall purposes for which each refuge was established and the availability of funding for those uses under the provisions of the Refuge Recreation Act. This review has been undertaken in response to settlement of a lawsuit. The Service is also reviewing these uses in light of budgetary constraints. Many refuges have allowed longstanding, or traditional public uses such as wildlife viewing, hunting, fishing, hiking, grazing, group gatherings, and other activities. The managers note that allowing these activities on refuges contributes significantly to local support for refuge establishment, and their continuation will in all likelihood be integral to maintaining continued public support (and funding) for the refuge system.

The managers direct that current activities be continued unless it can be clearly determined and demonstrated, in a manner available to the public, that such activities are incompatible with refuge purposes under the provisions of law or in violation of other law. No actions to alter significantly or eliminate any activities on refuges should be undertaken without 30-days prior notice to the appropriate oversight committees. The increased funding provided for refuge operations is intended to help address some of the operating requirements or refuges. Eliminating programs because they might be inconvenient to manage is not an option.

When developing recommendations to alter significantly or eliminate any activities, the Service should consult with interested parties, including but not limited to, State natural resource or wildlife management agencies and local user groups. The Service should advise the appropriate oversight committees as to whether it has determined that individual refuges are not meeting the purposes for which they were established and if so, the alternatives the Service has considered for disposing of such excess refuge system lands, including to those local interests benefiting from their presence. Just as some uses may be costly to manage, so too is it costly to manage lands which are no longer providing the habitat protection or other resource value that was the basis for their being brought into the system. The Service's continuing review of the suitability of existing refuge lands for retention in the refuge system is particularly critical if the Service is to continue evaluating new lands for inclusion in the refuge system. At a time of flat or declining budgets, it will be impossible for the Congress to provide resources to keep pace with the new refuge proposals surfaced by the Service annually.

Subsequent to the passage of the Interior appropriations act in both the House and Senate, the property associated with Harry Diamond Laboratories was transferred to the U.S. Fish and Wildlife Service. The managers encourage the Service to work closely with the reconstituted Re-Use Committee in developing a plan for future use of the transferred property. The Service should enter into cooperative agreements with the Re-Use Committee or with other private groups to ensure that future operations meet the needs of the local community, provided that operations meet all refuge compatibility requirements.

Amendment No. 8: Earmarks $3,000,000 for the National Fish and Wildlife Foundation for endangered species activities as proposed by the House instead of $2,500,000 as proposed by the Senate.

CONSTRUCTION

Amendment No. 9: Appropriates $53,914,000 for construction instead of $25,264,000 as proposed by the House and $49,848,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Site	Description	Amount
ACE River Basin NWR, SC	Grove Plantation rehab	$675,000
Audubon Institute, LA	Research laboratory	4,000,000
Bayou Cocodrie NWR, LA	Refuge startup	625,000
Bear River, UT	Dick repair	750,000
Bridge safety	Inspection/structural analysis	585,000
Carolina Sandhills NWR, SC	Remove hazardous dam	778,000
Chehalis River, WA	Restoration	200,000
Crab Orchard NWR, IL	Marina fuel spill cleanup	714,000
Dam Safety	Inspection of dams	610,000
D.C. Booth Historic Fish Hatchery, SD.	Pond repair/landscaping	395,000
D.C. Booth Historic Fish Hatchery, SD.	Archive bldg. Equip/furnish	232,000
Hawaii Refuges, HI	Fencing	500,000
Kenai NWR, AK	Rehabilitation	950,000
National Education/Training Center, WV.	Construction	26,000,000
Southwestern Fisheries Tech Ctr, NM.	Admin/Maint/Storage/dry lab	2,200,000
Stones Lakes NWR, CA	Water supply system	300,000
Upper Souris NWR, ND	Lake Darling Dam	4,212,000
Walnut Creek NWR, IA	Facilities Development	6,000,000
Construction management	Facilities Development	4,068,000
Emergency projects		500,000
Procurement Reform		-380,000
		53,914,000

LAND ACQUISITION

Amendment No. 10: Appropriates $67,410,000 for land acquisition instead of $62,300,000 as proposed by the House and $63,700,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Area	*Amount*
ACE River Basin NWR, SC	$1,500,000
Archie Carr NWR, FL	2,000,000
Back Bay NWR, VA	500,000
Balcones Canyonlands NWR and HCP, TX	5,000,000
Bald Knob NWR, AR	2,500,000
Black River, WA	670,000
Buenos Aires NWR, AZ	2,000,000
Canaan Valley, WV	2,000,000
Cape May NWR, NJ	1,000,000
Chincoteague NWR, VA	500,000
Crane Meadows, MN	800,000
Cypress Creek NWR, IL	750,000
Edwin B. Forsythe NWR, NJ	4,000,000
Emiquon NWR, IL	500,000
Grand Bay NWR, MS	500,000
Kodiak NWR, AK	1,500,000
Lake Wales Ridge NWR, FL	1,000,000
Lower Rio Grande Valley NWR, TX	2,000,000
Lower Suwannee NWR, FL	90,000
Meredosia NWR, IL	1,100,000
Nisqually NWR, WA	1,400,000
Oklahoma Bat Caves NWR, OK	300,000
Oregon Coastal Refuges, OR	500,000
Petit Manan NWR, ME	1,000,000
Rainwater Basin, NE	500,000
Sacramento River NWR	1,500,000
San Francisco Bay NWR, CA	4,000,000
Silvio Conte NWR (Planning)	400,000
Stewart B. McKinney NWR, CT	2,000,000
Stillwater NWR, NV	3,500,000
Trinity River, TX	1,100,000
Tualatin NWR, OR	2,500,000
Wallkill NWR, NJ	1,800,000
Inholdings Account	1,000,000
Acquisition Management	8,500,000
Emergency/hardships	1,000,000
National Fish and Wildlife Foundation	5,500,000
Exchanges	1,000,000
Total	67,410,000

Of the $5,500,000 provided for the National Fish and Wildlife Foundation, $500,000 is for acquisition of lands within the San Diego County, CA habitat conservation plan. The Foundation will match this amount from private sources so that there will be a total of $1,000,000 available.

NORTH AMERICAN WETLANDS CONSERVATION FUND

Amendment No. 11: Appropriates $9,000,000 for the North American Wetlands Conservation Act instead of $12,0000,000 as proposed by the Senate. The House had no similar provision.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES AND SURVEYS

Amendment No. 12: Appropriates $167,209,000 for Research, inventories, and surveys as proposed by the House instead of $166,358,000 as proposed by the Senate.

The managers agree to the following changes to the House distribution of funds:

Increases:	
Population dynamics (striped bass)	$300,000
Reno biodiversity	744,000
Facilities Operation & Maintenance	593,000
Decreases:	
Tactical Research	316,000
South Florida/Everglades	500,000
Endangered species	71,000
National Status and Trends	250,000
Information Infrastructure	500,000

Within the increase for Facilities Operation and Maintenance is $300,000 to establish a Hawaii program management office. The House had earmarked this money in administration and the Senate had earmarked it within inventory and monitoring.

No specific dollar amount is identified to continue monitoring the marsh restoration project at Metzger Marsh at the Ottawa NWR, OH. The managers do expect the Biological Survey to continue its work in this regard.

Amendment No. 13: Earmarks $166,909,000 to remain available until September 30, 1996 as proposed by the House instead of $166,058,000 as proposed by the Senate.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Amendment No. 14: Appropriates $1,079,963,000 for Operation of the National Park System instead of $1,083,973,000 as proposed by the House and $1,061,276,000 as proposed by the Senate.

Changes to the House distribution of funds are as follows:

Increases:	
D.C. Water and Sewer Payments	$934,000
Phoenix Indian School	350,000
Decreases:	
Professionalization	500,000
Inventory and monitoring	450,000
GIS Tech Support	1,100,000
South Florida/Everglades	444,000
Equipment Replacement	1,000,000
Fee Collection	1,300,000
Travel	500,000

The managers agree to the following:

1. Of the $1,500,000 provided for professionalization, $1,000,000 is for natural resource professionalization and $500,000 is for cultural resource professionalization.

2. Support for solving zebra mussel problems at St. Croix NSR, WI/MN is to continue in fiscal year 1995.

3. Additional security needs at Jefferson Expansion NMEM resulting from establishment of nearby gambling facilities should not be the responsibility of the National Park Service. Other continuing unmet security needs may be provided through the increases included.

4. Money budgeted for fee collection is to be used for costs associated with conversion of temporary employees as is the $800,000 provided by the House for training and career management.

5. The $500,000 reduction in travel is to be taken from the regional and Washington offices.

6. The increased funding provided for park operations in the various budget activities is to be allocated consistent with the regional priorities identified by the National Park Service and presented to the Committees for review in conjunction with action on the fiscal year 1995 bill, and as specified in the House and Senate reports. Operational costs not anticipated at the time the budget was submitted should be addressed through a reprogramming, including funding for the California Desert and Fort Wadsworth.

The managers are aware that efforts by the Ellis Island Restoration Commission to secure funding support for the establishment of a computerized Family History and Genealogical Research Center have not been successful. The managers urge the National Park Service and the Department of the Interior, and other interested parties such as the Ellis Island Foundation, to make every effort to assist in this worthy endeavor. Establishment and installation of a computerized genealogical database at Ellis Island would enable visitors, many of whose ancestors passed through Ellis Island, to increase their knowledge of the immigration experience.

Amendment No. 15: Deletes House language which proposed that fees be used for resource stewardship programs and makes the money available for all authorized park purposes including resource stewardship.

NATIONAL RECREATION AND PRESERVATION

Amendment No. 16: Appropriates $43,023,000 for National Recreation and Preservation instead of $36,946,000 as proposed by the House and $44,128,000 as proposed by the Senate.

Changes to the Senate position include the following:

Increases:	
Rivers and Trails Conservation assistance	$200,000
Muscle Shoals HABS/HAER project	100,000
Mexican Affairs Office	250,000
Ice Age National Scientific Reserve	250,000
Pay cost absorption	58,000
Decreases:	
National Center for Historic Preservation	955,000
Southwestern Pennsylvania Heritage Comm	75,000
Native Hawaiian Culture and Arts Program	233,000
Quinebaug-Shetucket NHC Commission	200,000
Kansas historic military forts	500,000

No money is set aside for a formal special resource study of Fort Meigs, Fort Miamis and Fallen Timbers. The $400,000 provided for Kansas historic military forts is for technical assistance only.

Funds provided for the Wheeling Heritage Area are to be used in accordance with the terms provided for in the authorizing legislation as reported by the House Natural Resources Committee or under the terms of subsequent legislation.

Within the amounts provided for natural programs, the managers agree that $200,000 is to be provided for the Back to the River, NE project. This project involves greenways and other open space initiatives, as well as environmental education, along the Missouri River. The managers expect the partners involved with the development of the plan for this project to assist with future funding. As with many projects throughout the bill, budget constraints preclude funding conceptual plans in their entirety, even though this might be desirable.

Up to $75,000 of the $150,000 provided by the managers for the El Camino Real Para Los Texas study may be made available to initiate the general management plan and for other costs associated with the Cane River Creole National Historical Park, contingent upon enactment of authorizing legislation.

HISTORIC PRESERVATION FUND

Amendment No. 17: Appropriates $41,500,000 for the Historic Preservation Fund instead of $41,000,000 as proposed by the House and $42,000,000 as proposed by the Senate.

Amendment No. 18: Deletes Senate amendment which earmarks $2,000,000 for a grant program to restore and preserve historic buildings at historically black colleges and universities and makes the program subject to authorization.

The managers have provided $1,500,000 to initiate this program as provided in Amendment No. 17. The managers have agreed to delete the subject to authorization language because authorization already exists; however, the grant program should not be undertaken until the 103rd Congress has had an opportunity to consider specific new authorities. If new legislation is not enacted, then the existing authority is to be used.

Unless directed otherwise by law, funds provided for the historically black colleges and universities initiative should be allocated in accordance with the priority list established by the HBCU condition assessments completed by the National Park Service in 1991.

CONSTRUCTION

Amendment No. 19: Appropriates $184,941,000 for construction instead of $171,417,000 as proposed by the House and $170,503,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Park unit	Description	Amount
Alaska Parks, AK	Employee housing	$800,000
Allegheny Portage RR, PA	Rehabilitation	1,294,000
Andersonville NHS, GA	Prisoner of War Museum	1,000,000
Blackstone River Valley NHC	Interpretive Projects	750,000
Blue Ridge Parkway, NC	Fisher Peak Mtn Center	5,000,000
Blue Ridge Parkway, NC	Hemphill Knob (Admin. Site)	910,000
Boston NHP, MA	Old South/Dorchester Heights.	4,200,000
Chamizal NM, TX	Landscape improvements	1,200,000
Chickamauga-Chattanooga NMP, GA.	Road relocation	2,000,000
Chickasaw Natl Recreation Area, OK.	Campground improvements	1,980,000
Cuyahoga Valley NRA, OH	Rehabilitation/Development	5,157,000
Delaware Water Gap NRA, PA.	Bushkill Access	800,000
Delaware Water Gap NRA, PA.	Whitsell Dam	300,000
Edison NHS, NJ	Rehabilitation	850,000
Everglades NP, FL	Water diversion	4,500,000
Fort Larned National Historic Site, KS.	Restoration	364,000
Franklin D. Roosevelt Memorial, DC.	Memorial construction	5,500,000
Franklin D. Roosevelt NHS, NY.	Hyde Park rehabilitation	862,000
Gateway NRA, NY	Riis Park—Exterior rehab	1,500,000
General Grant NM, NY	Rehabilitation	500,000
Glacier NP, MT	Rehabilitate Chalet	2,300,000
Grand Canyon NP, AZ	Employee housing	10,970,000
Grand Canyon NP, AZ	Visitor Center rehabilitation	2,037,000
Harpers Ferry NHP	Tower town restoration	3,000,000
Hot Springs NP, AR	Stabilization/lead paint	800,000
Ice Age Scientific Reserve, WI.	Exhibits	194,000
Independence NHP, PA	Rehabilitate utility system	12,626,000
Indiana Dunes NL, IN	Goodfellow Camp	791,000
Jean Lafitte NHP, LA	Islenos unit exhibit	100,000
Jean Lafitte NHP, LA	Chitimacha units exhibit	225,000
Jean Lafitte NHP, LA	Stabilization	1,800,000
Kennesaw NBP, GA	Visitor Center rehabilitation	1,000,000
Klondike Gold Rush NHP, AK	Restore Skagway Historic District.	1,143,000
Lackawanna Valley, PA	Technical assistance	500,000
Lincoln Home NHS, IL	Corneau House	500,000
LBJ Ranch NHS, TX	Exhibits	100,000
Maine Acadian Culture, ME	Technical assistance	1,000,000
Mammoth Cave NP, KY	Wastewater Treatment Sys	3,100,000
Martin Luther King, Jr. NHS, GA.	Restore birth home block	1,800,000
McKinley Tomb, OH	Restoration	256,000
Monocacy National Battlefield, MD.	Gambrill Mansion	1,500,000
Mount Rainier NP, WA	Rehabilitate Visitor Center	853,000
Natchez Trace Parkway, MS	Extend Parkway	3,600,000
National Capital Parks, DC	Lincoln/Jefferson Memorials	3,500,000
National Trails Center, IA	Visitor Center	3,700,000
New Jersey Coastal Heritage Trail, NJ.	Trail Completion	350,000
New River Gorge NR, WV	Access and Trails	620,000
Penn Center, SC	Restoration & Rehabilitation	500,000
Salem Maritime NHS, MA	Vessel exhibit	2,400,000
San Antonio Missions NHP, TX.	Exhibitions	1,500,000
Sequoia NP, CA	Replace Giant Forest	3,706,000
Sequoia NP, CA	Generals Highway	1,902,000
Southwestern Penn. Commission, PA.	Various projects	3,595,000
Stones River NB, TN	Trail connector	985,000
Thomas Stone NHS, MD	Main house restoration	1,000,000
Ulysses S. Grant NHS, MO	Rehabilitation	555,000
Weir Farm Natl Historic Site, CT.	Weir Barn Stabilization	775,000
Yosemite NP, CA	Maintenance/warehouse	9,900,000
Yosemite NP, CA	Rehab electrical system	2,417,000
Emergency and Unscheduled		2,000,000
Equipment replacement		15,150,000
Housing rehabilitation		12,000,000
Planning		21,050,000
General Management Plans		6,600,000
Special resource studies		1,200,000
Strategic Planning Office		400,000
Procurement Reform		−526,000
Total		184,941,000

Within the $21,050,000 provided for planning, the managers agree to the following:

Within the amount for planning	Description	Amount
Adams NHS, MA	United First Parish	$115,000
Allegheny Portage RR, PA	Rehab Staple Bend Tunnel	350,000
Assateague NS, MD	Erosion Study	300,000
Carlsbad Caverns NP, NM	Water line replacement	473,000
Chamizal NM, TX	Landscape improvements	500,000
Chesapeake & Ohio Canal NHP, MD.	Cumberland DCP	300,000
Connecticut River Valley	Planning	100,000
Coulee Dam NRA, WA	Keller Ferry Campground	300,000
Cuyahoga Valley NRA, OH	Railroad Trace and Bridges	180,000
Delaware Water Gap, PA	Rehabilitation	540,000
Edison NHS, NM	Rehabilitation	200,000
Fort Larned NHS, KS	Restoration	600,000
Fort Necessity NB, PA	Arch. Assess. and Design	371,000
Fort Smith NHS, AR	Historic structures report	300,000
Franklin D. Roosevelt NHS, NY	Hyde Park Rehabilitation	938,000
Gateway NRA, NY	Riis Park—planning	400,000
Gulf Island NS, MS	Fort Massachusetts	500,000
Indiana Dunes NL, IN	Goodfellow Camp	62,000
James A. Garfield NHS, OH	Site, building restoration	351,000
Klondike Gold Rush NHS, AK	Compliance reports	101,000
Lassen Volcanic NP, CA	Cost-shared center	384,000
Lincoln Home NHS, IL	Stuve House	230,000
	Corneau House	150,000
Mount Rainier NP, WA	Rehabilitation planning	300,000
Olympic NP, WA	Remove Elwha Dam	3,500,000
Stones River NB, TN	Trail connector	95,000
Transportation planning		750,000
Ulysses S. Grant NHS, MO	Barn rehabilitation	345,000
Yosemite NP, CA	Transportation plan	250,000

The managers agree to the following:

1. Construction of the road relocation at Chickamauga-Chattanooga NMP should not proceed until all the funding is in place.

2. Obligation of funds for the rehabilitation of the Kennesaw NBP visitor center is not to proceed until the $300,000 in private donations is available.

3. Obligation of the National Trails Center money is not to proceed until clear title of ownership of the land by the National Park Service is assured.

4. If private fundraising is sufficient to meet the matching requirements at Andersonville, the National Park Service is to submit a reprogramming to the Committees on Appropriations in fiscal year 1995 to award the project. The reprogramming will be replenished in fiscal year 1996.

5. The $500,000 for the Lackawanna Heritage Valley authority is for technical assistance and development of the LAVA Plan. None of the funds are to be used for operations.

6. The money provided for Fisher Peak is contingent upon assumption of operating costs by a non-Park Service entity.

7. The managers have provided funding for the ongoing planning in the Cumberland area of the Chesapeake and Ohio Canal National Historical Park. This project involves a number of partners, including other Federal agencies, the State of Maryland, and private interests. The National Park Service should be mindful of the budget constraints of the coming years when participating in this planning process and determining the scope of the project. Large appropriations, such as contemplated in the 1991 Canal Parkway Development Study, may not be possible. Funding for flood control aspects of this effort should be sought through the Corps of Engineers.

8. The $300,000 in planning for the Assateague National Seashore is to be used by the Corps of Engineers to begin a feasibility study to determine the best way to restore and stabilize Assateague Island National Seashore. In developing its plan the Corps is requested to work with the U.S. Geological Survey and utilize its expertise in coastal erosion processes.

The managers have included $910,000 for site preparation for an administrative headquarters site for the Blue Ridge Parkway. The Service is to scale back the administrative headquarters from the currently envisioned 17,000 square foot, $8,700,000 facility. None of the funds provided are to be used for a visitor center or cultural center which could also fit on this site.

The managers have provided funding for the vessel "Friendship" at Salem Maritime NHS, contingent on 25 percent cost-sharing being raised by non-Federal sources. The Park Service is not to proceed to award the contract for this project until the local cost-sharing is available. The funding provided in the Senate bill has been reduced by 25 percent to reflect this agreement. The funding provided in the Senate bill for technical assistance and educational outreach ($300,000) is continued.

Amendment No. 20: Restores House language deriving $256,000 for the William McKinley Tomb from the Historic Preservation Fund; derives $500,000 for the Penn Center from the Historic Preservation Fund instead of $1,000,000 as proposed by the Senate; and allows for a single procurement for the construction of a vessel exhibit at Salem Maritime NHS, MA as proposed by the Senate.

Amendment No. 21: Deletes Senate provision requiring the National Park Service and the U.S. Fish and Wildlife Service to undertake comprehensive reviews of each unit of the National Park System and the National Wildlife Refuge System and report to the appropriate committees of Congress recommendations to delete no fewer than five park units and five refuges.

The managers are aware of authorizing legislation which is currently under consideration to accomplish this same goal with respect to National Park units and believe that legislation is the appropriate way to address the issue.

With respect to the National Wildlife Refuge System, it is currently being reviewed in an effort to achieve budget savings and to reduce or eliminate activities incompatible with refuge purposes. The managers agree that this effort could and should lead to recommendations to eliminate parts of some refuges or entire refuges, where appropriate.

URBAN PARK AND RECREATION FUND

Amendment No. 22: Appropriates $7,500,000 for the Urban Park fund instead of $10,000,000 as proposed by the House and $5,000,000 as proposed by the Senate.

LAND ACQUISITION AND STATE ASSISTANCE

Amendment No. 23: Appropriates $87,936,000 for land acquisition and state assistance instead of $88,596,000 as proposed by the House and $80,759,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Area	*Amount*
Appalachian Trail	$3,000,000
Assateague National Seashore, MD	600,000
Big Cypress National Preserve, FL	2,000,000
Big South Fork NRA, TN	1,000,000
Big Thicket NP, TX	1,500,000
Buffalo NR, AR	500,000
Cuyahoga Valley NRA, OH	2,000,000
Everglades National Park, FL	5,000,000

Area	Amount
Fort Sumter National Monument, SC	40,000
Fredericksburg Military Park, VA	500,000
Gauley River NRA, WV	496,000
Gettysburg NHP, PA	500,000
Golden Gate NRA, CA	5,250,000
Indiana Dunes NL, IN	750,000
Jefferson Expansion NEM, IL	300,000
Little River Canyon NP, AL	3,000,000
Martin Luther King, Jr. NHS, GA	1,000,000
Palo Alto NB, TX	500,000
Pecos NHP, NM	500,000
Petroglyph NM, NM	1,000,000
Saguaro NM, AZ	6,000,000
Santa Monica Mountains NRA, CA	5,000,000
South Florida Restoration Grant, FL	4,800,000
Stones River NB, TN	500,000
Inholdings	2,700,000
Emergencies/Hardships	2,700,000
Acquisition Management	8,800,000
Subtotal, Federal	59,936,000
Matching State Grants	24,750,000
Administrative Expenses	3,250,000
Subtotal, State assistance	28,000,000
Grand total	87,936,000

The managers agree that for Stones River National Battlefield, any excess land acquisition funds which have been appropriated for the historic river trail should be made available for general battlefield land acquisition, and vice versa should there be a shortfall in the river trail land acquisition account.

Amendment No. 24: Earmarks $4,800,000 for Federal assistance to the State of Florida pursuant to Public Law 103-219 as proposed by the Senate. The House had no similar provision.

Amendment No. 25: Earmarks $28,000,000 for the State assistance program as proposed by the Senate instead of $29,500,000 as proposed by the House.

ADMINISTRATIVE PROVISIONS

Amendment No. 26: Cites 106 Stat. 1384 as proposed by the Senate instead of 106 Stat. 1386 as proposed by the House.

Amendment No. 27: Proposes limiting to $250,000 the amount that can be transferred to cover costs associated with each emergency law enforcement incident. If an incident will require more than $250,000, the National Park Service is to follow the normal reprogramming guidelines. The House had proposed an overall cap of $500,000 and the Senate had proposed a cap of $250,000.

Amendment No. 28: Requires that any exercise of law enforcement transfer authority must be followed by a supplemental appropriation request to replenish the money transferred, as proposed by the Senate. The House had no similar provision.

Amendment No. 29: Deletes Senate amendment regarding the Stampede Creek Mine at Denali National Park in Alaska. The managers agree that should the University of Alaska Fairbanks seek damages for an explosion which occurred on April 30, 1987, the damage claim should be submitted to and considered promptly by the Department of the Interior's Office of Hearings and Appeals.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

Amendment No. 30: Appropriates $572,556,000 for surveys, investigations, and research instead of $576,775,000 as proposed by the House and $565,316,000 as proposed by the Senate. The net decrease below the amount proposed by the House consists of an increase of $1,561,000 for water resources research institutes; and decreases of $2,000,000 in National map and digital data production and $3,780,000 in critical ecosystems.

The managers agree that the amount for water resources research institutes consists of grants, reduced to $80,000 per institute, ($4,320,000) and administrative expenses ($241,000). The managers further agree that the Survey should work with the Institutes to ensure the relevancy of Institute research to State and National issues and to examine ways to introduce competition into the distribution of Federal funds among Institutes beginning in fiscal year 1996.

The managers also expect the Department to include with its fiscal year 1996 budget submission a report which identifies specific options for integrating the expertise available through the water resources research institutes into the full range of the Department's water resources programs. In addition, the Secretary shall consult and coordinate with the heads of appropriate departments and agencies with water research requirements to ensure the utilization of the water resources research expertise and capabilities of the institutes to the extent feasible.

The managers agree that the remaining critical ecosystems amounts are $3,800,000 for South Florida and $1,250,000 for San Francisco Bay.

WORKING CAPITAL FUND

Amendment No. 31: The amendment corrects punctuation contained in the House-passed bill as proposed by the Senate.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

Amendment No. 32: Appropriates $189,056,000 for royalty and offshore minerals management instead of $190,206,000 as proposed by the House and $189,034,000 as proposed by the Senate. The changes to the House position include increases of $500,000 in the leasing and environmental program for environmental studies and $440,000 in the resource evaluation program for the Office of Management Support. Decreases to the House position include $1,400,000 for the technical information management system in the information management program, $250,000 for mineral revenue audits, and $440,000 for the Office of Management Support including reductions of $23,000 in the leasing and environmental program, $67,000 in the regulatory program, and $350,000 in the information management program. The decrease for the technical information management system is offset through the use of increased receipts as discussed in Amendment No. 34.

The managers expect that:

1. The environmental studies program will be weighted heavily toward the Gulf of Mexico region where the vast majority of OCS activity takes place;

2. The fiscal year 1996 budget justification and each subsequent budget will include a full explanation and accounting of the Office of Management Support and any other administrative offices within MMS; and

3. The Department will review carefully the MMS environmental studies program to ensure that, when the U.S. Geological Survey has the expertise to conduct a proposed study, the cost effectiveness of using the USGS is assessed thoroughly before outside contracting options are pursued.

Amendment No. 33: Earmarks $68,184,000 for royalty management activities instead of $68,434,000 as proposed by the House and $67,934,000 as proposed by the Senate.

Amendment No. 34: Provides for $8,800,000 in additional receipts to be used for the technical information management system as proposed by the Senate instead of $7,400,000 as proposed by the House.

BUREAU OF MINES

MINES AND MINERALS

Amendment No. 35: Appropriates $152,719,000 for mines and minerals instead of $152,269,000 as proposed by the House and $152,389,000 as proposed by the Senate.

Changes to the House position include increases in health, safety and mining technology research of $200,000 for the Casa Grande, AZ in situ copper leaching demonstration project and $500,000 for in-house in situ research, and a decrease of $250,000 in the information and analysis program for the Great Lakes recycling project.

The managers understand that the Bureau will maintain a small staff of up to 10 FTEs, including summer employees, in Anchorage, Alaska to ensure continuation of essential Arctic research. The managers also understand that up to 25 FTEs will remain at the Rolla, Missouri research center in fiscal year 1995 and that necessary equipment will remain in place at the Rolla Center during the transition period for closure of the center. The managers do not object to the transfer of equipment along with the programs that equipment supports as the transition proceeds in Rolla and at the other locations identified for closure.

The managers expect the Bureau to ensure that the headquarters component bears its fair share of funding and staffing reductions in fiscal year 1995. Further, the Bureau should actively pursue reimbursable agreements to minimize staffing disruptions in field locations such as in the Denver area.

The managers expect the Bureau of Mines to work closely with the Bureau of Land Management to develop an Environmental Impact Statement (EIS) related to the Midnite Mine in Spokane, WA. The Department should seek additional Federal funding if necessary to develop the EIS.

Amendment No. 36: Earmarks $100,065,000 to remain available until expended for research programs instead of $99,365,000 as proposed by the House and $100,265,000 as proposed by the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

Amendment No. 37: Appropriates $110,006,000 for regulation and technology instead of $110,206,000 as proposed by the House and $109,773,000 as proposed by the Senate. The change to the House position is a decrease of $200,000 in the assessments and collections program for the Applicant Violator System.

The managers commend the OSM on its efforts to address acid mine drainage problems. In pursing this initiative the OSM should comply carefully with the Surface Mining Control and Reclamation Act and with Federal rulemaking requirements. A wide range of alternatives should continue to be considered to reduce pollutants during mining and to prevent post mining discharge of polluted water, including mitigation and treatment to reduce pollutants that may be present before final discharge off the mine permit area.

Implementation of the Applicant Violator System (AVS) by each State regulatory program has been funded through annual appropriations for the last several years. The managers expect the OSM and the States to continue to cooperate on AVS and to ensure that data improvements and system enhancements are implemented. To work, the AVS must contain up-to-date information supplied by each State and by OSM. The OSM should consult with the States on needed AVS enhancements and should request funds for implementing those improvements in annual budget requests. The AVS is especially important for across-State checking; that is, identifying companies and violators who have outstanding violations in different States. The States must actively participate in data entry and checking for outstanding violations so that all violations connected through ownership and control are addressed prior to permit issuance. The managers expect OSM to identify any problems with AVS implementation by the States in the fiscal year 1996 budget justification, along with recommendations for addressing those problems.

ABANDONED MINE RECLAMATION FUND

Amendment No. 38: Appropriates $182,772,000 for the abandoned mine reclamation fund instead of $172,404,000 as proposed by the House and $193,831,000 as proposed by the Senate. Increases to the House position include $5,000,000 to fund minimum program States at the $1,500,000 level per State and $5,368,000 for the rural abandoned mine program.

With respect to the Applicant Violator System, the managers agree that active participation by State regulatory agencies in data entry and checking for outstanding violations prior to issuing permits is essential to ensure compliance with existing law and regulations. This issue is discussed in more detail under Amendment No. 37.

Amendment No. 39: Earmarks $1,500,000 for each minimum program State for abandoned mine reclamation instead of $1,000,000 as proposed by the House and $2,000,000 as proposed by the Senate.

Amendment No. 40: Strike the word "Federal" in reference to the use of emergency program funds carried over from previous fiscal years as proposed by the Senate. Prior year unobligated balances are available for use by the OSM in the Federally-run program as well as by the individual States that managed their own emergency reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Amendment No. 41: Appropriates $1,526,778,000 for operation of Indian programs instead of $1,527,786,000 as proposed by the House and $1,525,399,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of $17,123,000 for tribal priority allocations, $1,661,000 for nonrecurring programs, and $100,000 for special programs and pooled overhead for special higher education scholarships. These decreases are offset partially by increases of $16,971,000 for other recurring programs, $605,000 for Central Office operations, and $300,000 to restore partially general administration for Area Office operations.

For tribal priority allocations, the managers have not agreed to the transfer of noneducational facilities operations and maintenance from other recurring programs at this time. For non-recurring programs, there are the following decreases: $961,000 for business development grants, $200,000 for Cheyenne River Sioux prairie dog management (leaving $1,000,000), and $500,000 for water rights negotiation/litigation.

Within other recurring programs, the net increase of $16,971,000 consists of the $17,123,000 restoration for facilities operations and maintenance, and decreases of $34,000 for the Great Lakes Indian Fish and Wildlife Commission, $20,000 for the Mole Lake Tribe mining impacts, and $98,000 for the Lake Roosevelt water quality study. Within Central Office operations, the net increase consists of increases of $200,000 for lands records management, $205,000 for personal property management, $200,000 for records management, $200,000 for financial management, and $150,000 for the Office of Data Systems; and a decrease of $350,000 for education program management. The Bureau may fund activities reduced in the Central Office from base funds and report to the Committees on any funds used.

The managers emphasize to the Bureau that any directives in either the House or Senate report which are not modified herein remain in effect, and the Bureau is expected to follow or respond to all such directives, in the timeframe indicated.

With regard to the road maintenance funds which have been transferred to tribal priority allocations, the managers expect these funds to be distributed as in the past during fiscal year 1995, while the Bureau prepares a Federal Register notice with the proposal for allocating the funds to tribal bases. The notice should also address how priorities for the use of these funds, in accordance with Federal Highway Trust Fund requirements, will be maintained after distribution to the tribes. The managers agree that no change in the distribution of these funds will occur until these issues are resolved satisfactorily, and expect the Bureau to work closely with the tribes to reach such a resolution.

With regard to the self-governance program, the managers agree that the Bureau should prepare the report identified by the Senate on workload before and after self-governance, and submit it to the Committees by March 15, 1995. With regard to increased workload at the Central Office due to compacting, the report should distinguish that portion of any such increased workload that should be handled by the Office of Self-Governance rather than the Bureau. With regard to impacts on non-compacting tribes, the managers note that the law authorizing the self-governance program does not allow such a result, and provides any tribe alleging violation of the law appropriate legal relief. The report should address the Bureau's efforts to ensure that noncompacting tribes are not impacted by the self-governance program.

The managers agree that the Bureau should continue to identify the Secretary's trust and inherently Federal responsibilities, with a range of assumptions over time up to a possible level of 100 percent compacting, and expect this process should be carried out in the context of the five-year strategic plan and consistent with authorizing legislation. The managers note that this process should be continued with the direct participation of the tribes, and consistent with the definition that the Bureau and the tribes have been using to date. The managers also expect the Bureau to work with the self-governance tribes to reach a consensus on the definition of stable base funding, and how such funding will be provided as early in the year as possible, report the results to the Appropriations Committees, and implement them as soon thereafter as possible.

With regard to shortfall funds, these funds should be used as identified in the House report, but also may be used for the special purposes identified in past years, such as the Lummi education project. While agreeing not to place a timeframe on the use of these funds at this time, the managers will address this issue again as necessary, depending on the progress made on negotiating and reaching consensus with the tribes on the matters addressed in this report.

The managers expect the Department and the Bureau to include their findings on the Secretary's trust and inherently Federal responsibilities in the March 15 report. Based on the findings, the Bureau should describe how it plans to downsize and restructure the Central, Area and agency offices, consistent with assumptions regarding the level of self-governance compacting and contracting which is expected to occur. The Bureau should also describe how it plans to identify and negotiate tribal shares during fiscal year 1995.

With regard to the reconciliation of Individual Indian Money (IIM) accounts, as directed in the past, the Department should not proceed any further with developing an IIM reconciliation approach unless it has involved the Intertribal Monitoring Association and other account holders' representatives in this process.

The managers expect the Bureau to give consideration to a request for $250,000 for attorneys' fees from the Alaska Legal Services. Within the $800,000 provided for monitoring and enhancement of the salmon returns in the Yukon and Kuskokwim Rivers areas, the Bureau may provide $400,000 for these funds to the Bering Sea Fishermen's Association for monitoring and fisheries enhancement. The managers agree there is $250,000 for the Yurok Tribe's cadastral survey. Within the $375,000 earmarked by both the House and Senate for Arkansas Riverbed surveys, $200,000 may be made available to the Arkansas Riverbed Authority for its operations. The managers understand that funding is available within water rights negotiation/litigation to continue the Pyramid Lake/Fallon economic development plan, which includes the Newlands project.

The managers expect the Bureau to continue to fund the Intertribal Monitoring Association (ITMA) in fiscal year 1995 at a level which will allow ITMA to continue its role of monitoring and reporting to tribes, account holders and the Congress. There should be no reductions to ITMA funding unless such reductions are specifically related to changes in work mutually agreed upon to be accomplished under the contract. The managers also expect that there will be no changes in the manner of ITMA communications with tribes, account holders or the Congress unless mutually agreed upon.

Amendment No. 42: Provides $208,000 for cyclical maintenance of tribally owned fish hatcheries as proposed by the Senate instead of $199,000 as proposed by the House.

Amendment No. 43: Modified language proposed by the Senate to place a cap on the amount of funding to be made available for fiscal year 1995 and to separate the amount of contract support for ongoing self-determination agreements entered into prior to fiscal year 1995 from that provided for new awards first entered into during fiscal year 1995. The House had no similar provision. The purpose of separating the amount available for ongoing agreements from that for new and expanded agreements is to stabilize the fund for ongoing awards and still provide contract support funding for new and expanded contracts. The Bureau is expected to

implement procedures for administering the new Indian Self-Determination Fund, for which $7,500,000 is provided, consistent with those of the Indian Health Service. The Bureau should fund new contracts at the 100 percent level.

The Bureau is expected to begin developing procedures for eventual transfer of contract support into each tribe's tribal priority allocation. Once this has been accomplished, the tribes will be able to manage their total program costs within their overall funding allocation.

The cap is not intended to limit the flexibility of tribes to reprogram within tribal priority allocations to obtain full recovery of indirect costs, if a shortfall in contract support were to occur. Accordingly, the managers anticipate that tribes, individually or in agreement with other tribes, may reprogram within tribal priority allocations without regard to the contract support ceiling. Reprogramming on a Bureau-wide basis is not authorized for this purpose.

Amendment No. 44: Provides $72,580,000 for higher education scholarships and other purposes as proposed by the Senate instead of $72,680,000 as proposed by the House.

Amendment No. 45: Provides that $75,902,000 will remain available until expended as proposed by the House instead of $75,735,000 as proposed by the Senate. The difference is $167,000 for the Lake Roosevelt ferry under road maintenance.

Amendment No. 46: Provides that $30,169,000 for road maintenance will remain available until expended as proposed by the House instead of $30,002,000 as proposed by the Senate.

Amendment No. 47: Changes the date by which payments to Bureau-funded schools must be made to not later than July 15 instead of July 1 as proposed by the House and July 31 as proposed by the Senate. The managers expect the Bureau to accomplish all the preliminary paperwork well in advance of July 1, in order to allow the schools adequate time to return the documents to the Bureau prior to July 1. The schools are also expected to make every effort to return all required documents before July 1, so that obligation and payment of the funds may proceed as soon thereafter as possible.

Amendment No. 48: Revises language proposed by the Senate regarding allocation of Indian school equalization program (ISEP) funds, to require the Secretary of the Interior to establish a Joint Working Group on ISEP Funds Allocation to examine possible methods of improving the basis on which ISEP funds are allocated each year. The House had no similar provision. The Working Group should include representatives from BIA, the Department, the Department of Education, national Indian education groups, and individual schools, both BIA and tribally operated, and should represent the widest possible spectrum of views on this issue, as well as balanced geographic representation. To the extent possible, a variety of schools should be represented, including day, boarding and dorm schools, as well as remote schools and those adjacent to public facilities. The Working Group should be formed immediately and should complete its work by submitting a report to Congress no later than April 30, 1995. The report should include specific recommendations for changing the allocation method. The Working Group should conduct the widest possible consultation with tribes and Indian schools as part of its process.

Amendment No. 49: Limits the number of schools to be funded by the Bureau of Indian Affairs for the next two fiscal years to the number in the Bureau system as of September 1, 1995, or 187 instead of permanently as proposed by the Senate. The House had no similar provision. The managers are very concerned that current legislation and regulations do not provide an adequate framework for making decisions regarding under what circumstances additional schools should be allowed into the Bureau system. The managers are also concerned about the potential for large increases in the number of schools to be funded at a time when the budget for the schools will not be able to be increased significantly. Therefore, the managers expect the Bureau and the Department to proceed as quickly as possible to work with tribes, schools and the authorizing committees to develop legislation and related regulations which will more adequately address this situation. The managers will review the status of this effort at the end of the two year period in order to determine if this language should be continued and possibly made permanent.

CONSTRUCTION

Amendment No. 50: Appropriates $130,270,000 for construction instead of $131,030,000 as proposed by the House and $123,230,000 as proposed by the Senate. The decrease below the amount proposed by the House consists of increases of $100,000 for contract support, $1,500,000 for the Colorado River Tribes irrigation project, $350,000 for the Hogback irrigation project, $750,000 for the Walker River irrigation project, and $100,000 for Washoe land acquisition; and a decrease of $3,560,000 for the following irrigation projects: $1,300,000 for the Navajo Indian project, $1,000,000 for Ute Mountain Ute, $250,000 for Fort Belknap (Milk River), $600,000 for San Carlos, $200,000 for Quechan, $210,000 for Jemez Pueblo.

Of the amount provided for the Walker River project, $250,000 shall be used only for the tribal cost share of water monitoring by the U.S. Geological Survey. The managers understand this is the final year of construction costs related to this requirement.

The managers agree that the BIA and the Bureau of Reclamation should complete a new Memorandum of Agreement, and should ensure that any administrative costs to be taken from safety of dams projects are held to a minimum. The managers agree that the BIA should submit the report requested by the Senate on fuel storage tanks in AK by 10/1/94, and based on the findings, should consider including funding in the 1996 budget request.

Amendment No. 51: Allows funds available for irrigation rehabilitation and construction on the Gila River reservation to be used to purchase and pump water in 1995 as proposed by the Senate. The House had no similar provision.

The managers understand that this authority would be used only if the level of the San Carlos Reservoir is below 400,000 acre-feet as of March 1, 1995.

Amendment No. 52: Revises language proposed by the Senate to provide temporary authority for facilities improvement and repair and construction projects in excess of $100,000 that are provided to tribally controlled grant schools under P.L. 100–297, as amended. The House had no similar provision. Under this language, 43 CFR Part 12 will be used for regulatory requirements, except for Section 12.61. Payment schedules are to be negotiated between the Secretary and the grantee. This authorization is intended as an interim measure for grant amendments negotiated in fiscal year 1995 only. Although the Department has conducted tribal consultation on the grant process for facilities improvement and repair and construction and the use of 43 CFR Part 12, the managers expect the Secretary to consult further with Indian tribes on a permanent implementation process, and based on the consultation, to submit recommendations to the appropriate Committees of the Congress for any necessary statutory amendments.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

Amendment No. 53: Appropriates $77,096,000 for Indian land and water claim settlements as proposed by the Senate instead of $82,896,000 as proposed by the House.

Amendment No. 54: Provides $73,051,000 for implementation of settlements as proposed by the Senate instead of $78,851,000 as proposed by the House.

NAVAJO REHABILITATION TRUST FUND

Amendment No. 55: Appropriates $2,000,000 for the Navajo Rehabilitation Trust Fund instead of no funds as proposed by the House and $2,466,000 as proposed by the Senate.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

Amendment No. 56: Appropriates $80,239,000 for Administration of Territories instead of $83,139,000 as proposed by the House and $77,339,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of $1,500,000 for the Compact impact grant to Guam, $1,000,000 for a grant to the Virgin Islands for crime control, and $500,000 for technical assistance; and an increase of $100,000 for the Office of Territorial and International Affairs.

The managers have provided $2,500,000 for the impact of the Compact on Guam, and expect the Commonwealth of the Northern Marinana Islands (CNMI) to use $1,600,000 of their grant funds for the same purpose.

The managers do not object to the use of construction funds provided herein or previously (with the exception of water and wastewater project funds) to address the needs of Tafuna high school, if agreed to by the American Samoa Government.

The managers agree that up to $7,000,000 of the Northern Marianas grant may be used, by the Secretary of the Interior working with the Commonwealth of the Northern Marianas (CNMI), for technical and other assistance to the CNMI to help track and identify alien workers, to enforce applicable immigration laws in the CNMI, and to provide technical assistance to the CNMI in developing related labor rules and regulations for alien workers. The funds may also be used, with the assistance of the U.S. Immigration and Naturalization Service, to develop a computer data base and identification system for aliens, and if appropriate, for planning of detention facilities.

Amendment No. 57: Provides $75,962,000 for grants and technical assistance instead of $78,962,000 as proposed by the House and $72,962,000 as proposed by the Senate. The decreases from the amount proposed by the House are discussed under Amendment No. 56.

Amendment No. 58: Provides $4,277,000 for the Office of Territorial and International Affairs instead of $4,177,000 as proposed by the House and $4,377,000 as proposed by the Senate.

Amendment No. 59: Provides that the General Accounting Office may audit the territorial governments as proposed by the Senate rather than directing that it shall audit those governments, as proposed by the House.

Amendment No. 60: Provides that the General Accounting Office may audit the territorial governments at its discretion as proposed by the Senate. The House did not include discretionary language.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Amendment No. 61: Appropriates $19,838,000 for the Trust Territory, including $18,464,000 for grants to Palau and $692,000 for special programs, and adds language, instead of appropriating $2,900,000 as proposed by the House. The managers intend for Palau to use $2,000,000 of the grant funds to continue the Koror sewage treatment project, with the balance of the project funds to come from Palau's Compact funds. It is necessary to restore the Trust Territory funds to the 1994 level and add related language since the Palau Compact will not be implemented prior to October 1, 1994 as originally estimated. The Senate language agreed to by the managers also provides that the General Accounting Office may at its discretion audit the Trust Territory.

COMPACT OF FREE ASSOCIATION

Amendment No. 62: Appropriates $24,602,000 for the Compact of Free Association instead of $25,102,000 as proposed by the House and $20,602,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of $500,000 for the Federated States of Micronesia for the Yap runway, and $2,656,000 for the Palau Compact. The Palau Compact funds have been deleted, and funds for Palau operations and construction grants restored under the Trust Territory account, since it is now expected that the Palau Compact will not be implemented before October 1, 1994 as originally assumed.

With regard to the funds provided as compensation to the Marshall Islands under Section 111(d) of the Compact, the managers agree with the House language requiring a plan for the expenditure of these funds, to be submitted to the Appropriations Committees. The managers also request that a report on the use of the economic development funds previously provided to the Marshall Islands be provided to the Committees.

The managers agree that there is no commitment at this time to future appropriations under Section 111(d) and that any such funding decisions will be made on an annual basis. The managers note that the Administration has taken one position on whether the authorization in Section 111(d) is based on a "net loss" to the RMI Government, the House has disagreed with that position in its report (Report 103-551), and the Senate has not yet taken a position on that issue.

Amendment No. 63: Deletes House proposed language and funding for the Palau Compact, as proposed by the Senate.

Amendment No. 64: Adds language providing that the effective date of the Palau Compact shall be as determined pursuant to Section 101 of P.L. 101-219 as proposed by the Senate. The House had no similar provision.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

Allocates an increase of $104,000 for the Office of Self Governance within the Office of the Secretary instead of $208,000 as proposed by the House. The Senate had no similar provision.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

Amendment No. 65: Appropriates $34,674,000 for the Office of the Solicitor instead of $35,374,000 as proposed by the House and $32,548,000 as proposed by the Senate.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 66: Strikes the phrase "by the General Services Administration" in referring to contracts issued for a twelve-month period beginning at any time during the fiscal year as proposed by the Senate.

Amendment No. 67: Includes House language stricken by the Senate prohibiting the processing of certain mining or mill site claims and the issuance of patents to such claims under the general mining laws in certain circumstances, modified to delete the provision if mining law reform legislation now in a House-Senate conference is enacted prior to sine die adjournment of the 103rd Congress.

The amendment further provides that the Secretary of the Interior shall continue to process patent applications that were filed prior to the date of enactment of this Act if the applicant had fully complied with all of the requirements under the general mining laws for such patent.

The managers agree that those applications having received first-half-final certificates on or before the date of enactment of this Act are not subject to the prohibition in Section 112. In addition, the managers agree that those applications for first-half-final certificates currently pending in the Office of the Solicitor in Washington, D.C. or elsewhere in the Department of the Interior in Washington, D.C. will not be subject to the moratorium in Section 112.

The managers agree that nothing in the Act requires the Secretary to issue a patent until compliance with the requirements of the general mining laws for obtaining such patent has been verified.

Amendment No. 68: Deletes House language pertaining to claims and patents under the general mining law as proposed by the Senate. This subject is included in Amendment No. 67.

Amendment No. 69: Deletes House provision prohibiting the National Park Service from processing permits necessary for construction of a bridge to Ellis Island as proposed by the Senate.

The managers on the part of the House have receded reluctantly on this amendment. The managers on the part of the House do not want the exclusion of this language to be viewed as a precedent with respect to this project, as there is currently a lawsuit pending regarding Ellis Island, as well as an environmental impact statement, which is not yet complete. The resolution of either or both of these issues could affect the final decision with respect to a foot bridge to Ellis Island.

Amendment No. 70: Allows research work orders for cooperative agreements with colleges and universities, State agencies, and nonprofit organizations to be funded incrementally as proposed by the Senate. The House had no similar provision.

Amendment No. 71: Deletes sense of the Senate resolution which is restated herein:

EDWARDS AQUIFER

(a) FINDINGS.—The Senate finds that—

(1) in order to avoid a water emergency in South Central Texas, the withdrawal of water from the Edwards Aquifer (designated as a sole source aquifer under title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.)) should not be limited without appropriate consideration of the impacts on municipal, agricultural, industrial, and domestic water users);

(2) Section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)) authorizes the Secretary of the Interior to permit the taking of a threatened or endangered species incidental to an otherwise lawful activity, which may include the withdrawal of water from a sole source aquifer; and

(3) the State of Texas is working, in cooperation with the Department of the Interior and the Department of Justice, to implement the water management plan for the Edwards Aquifer region enacted by the State in 1993.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of the Interior should take whatever steps are necessary and allowable under law to minimize adverse impacts on users of the Edwards Aquifer while conserving threatened and endangered species, including issuing a permit pursuant to Section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)); and

(2) nothing in this Section should relieve any person from any State or local requirement for—

(A) water conservation or the development of alternative water resources; or

(B) strategies necessary to reduce demand on the Edwards Aquifer.

This language is included in the statement of the managers with the understanding that the State of Texas, the City of San Antonio, other affected communities and other water users will continue to implement a plan that secures the futures of both the people and the species that depend on the Edwards Aquifer.

Amendment No. 72: Deletes Senate amendment earmarking $500,000 for the Atlantic Salmon Demonstration Program for the Northeast. The issue is addressed in Amendment No. 7 where $500,000 is provided for this purpose.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

Amendment No. 73: Appropriates $200,130,000 for forest research instead of $201,780,000 as proposed by the House and $198,076,000 as proposed by the Senate. The decrease below the amount proposed by the House consists of an increase of $200,000 for the research foundation program in LA; and decreases of $250,000 for recycling research and $1,600,000 for Forest Plan ecosystems research.

While not directing the Forest Service to allocate specific funding to the Bolle Center, MT, the managers encourage the Forest Service to continue the research currently being done at the multiple use economics program of research unit INT-4802 in Missoula, MT.

The $300,000 earmarked from the Forest Plan in the House report for the University of Washington landscape management project should be provided from timber management funds under the National Forest System account.

STATE AND PRIVATE FORESTRY

Amendment No. 74: Appropriates $161,264,000 for State and private forestry instead of $158,664,000 as proposed by the House and $161,511,000 as proposed by the Senate. The increase over the amount proposed by the House consists of increases of $600,000 for rural development, $2,000,000 for Pacific Northwest community assistance, and $500,000 for old growth diversification projects; and a decrease of $500,000 to the stewardship incentives program.

The managers have provided an additional $2,000,000 over the amount recommended by

the House for Pacific NW community assistance. Because of the mill closures in Alaska, the managers agree that $500,000 of this amount may be provided in Alaska on a one-time basis only.

The earmarks contained in both the House and Senate reports for urban forestry, forest stewardship, and stewardship incentives are maintained, except that the $500,000 for the northeastern Pennsylvania program in stewardship incentives is one-time funding only. Under the forest legacy program, any political subdivision within New York State must agree to include itself, in order to participate in the program. A subdivision is defined as a village, city, town, or county.

Within economic action programs, $2.6 million is specifically for continuation of the Rural Development through Forestry program in the Northeast and Midwest at the level available in fiscal year 1994. Other initiatives, such as AmeriCorps, shall not be funded from this initiative unless approved by the Committees through a reprogramming action. The managers note that no funding for AmeriCorps was proposed in the fiscal year 1995 budget, and the reprogramming guidelines provide specific direction about initiating new programs through the use of reprogrammings. This direction applies to the national Forest System appropriation account as well as the State and Private Forestry account.

NATIONAL FOREST SYSTEM

Amendment No. 75: Appropriates $1,345,112,000 for the national forest system instead of $1,348,162,000 as proposed by the House and $1,334,857,000 as proposed by the Senate. This amount is decreased by a $12,000,000 rescission included by both the House and Senate. The decrease below the amount proposed by the House consists of increases of $1,000,000 for recreation management (including $400,000 for the Hells Canyon management plan, $400,000 for the Spring Mountain management plan, and $200,000 for handicapped access in Region I), and $500,000 for timber sales management; and decreases of $1,000,000 for ecosystem planning, inventory and monitoring, and $850,000 for wildlife and fish management, including $500,000 to anadromous fish and $350,000 to threatened and endangered species, $500,000 to rangeland management, $1,000,000 to soil, water and air management, $1,000,000 to road maintenance, and $200,000 to general administration.

The managers have not included revised numbers for various NFS line items, which were submitted by the Forest Service in order to correct errors in the revised budget structure agreed to by both the House and Senate. The managers are concerned that the numbers were not internally verified before submission to the Committees, and expect the Forest Service to submit a reprogramming request as soon as the correct numbers have been determined.

The Committees have agreed to a modified budget structure for the Forest Service. The ecosystem, planning, inventory and monitoring (EPIM) line-item was created by reallocating funds from other activities within the various National Forest System programs. In some instances, the resources transferred to the EPIM line-item represented a significant portion of a program area's funding. The managers expect the Forest Service to develop language in its budget instructions that ensures field units are able to maintain, to the fullest extent possible, continuity in the programs which contributed to the EPIM line-item. The new budget structure, and the change in benefitting function concept, are intended to help the Forest Service minimize the duplication of effort and enhance efficiency. In addition, where possible, information gathered in conjunction with activities associated with one program should be used as much as possible where needed for other programs.

The managers agree that the Forest Service should include in the 1996 request information on the criteria used to allocate National forest system funds among the regions. Within the funds provided is $63,657,000 for law enforcement. The decrease to road maintenance should be allocated on a nationwide basis, and the managers expect work to proceed in 1995 on the Koocanusa Bridge project in MT.

With respect to the timber sales preparation program, the managers have agreed to an additional $500,000 in 1995 over the level proposed by the House. The entire mix of the timber sales program for fiscal year 1995 will be determined by the Forest Service upon review of the dollars provided in this account, as well as for road construction. In addition, a change in the mix of the program between new, or green sales, and salvage timber sales, may be necessary as a result of the severe fire season which ravaged the West this summer. Further impacts on the accomplishment of the timber sales program in different regions of the country may result due to reductions in Federal staffing. Thus, the distribution of the timber sales program contemplated when the budget was submitted may no longer be appropriate. The managers have provided changes to the budget structure and modified reprogramming procedures to enhance the Forest Service's ability to engage in ecosystem management, and expect the new guidelines to be followed in determining the program mix for fiscal year 1995.

The managers also understand that the likelihood of successfully completing the planned timber sales program proposed for fiscal year 1995 differs significantly among forests and regions across the country. Some forests and regions are far below their capacity to offer sales in fiscal year 1995 and demand for timber sales in some of these forests is very strong. In other instances, projected sales may not be attainable in fiscal year 1995 due to the need for increased environmental review, watershed assessment, or other pre-sale planning activities. The managers expect the Forest Service to take all of these factors into consideration when determining the allocation of the timber sales preparation dollars for fiscal year 1995. The managers expect the Forest Service to allocate carefully all resources available for timber sales to accomplish the most feasible sales level in fiscal year 1995, consistent with ecosystem management objectives. In particular, the managers are concerned that allocations of scarce resources not be directed to areas with low probability of success at the expense of areas with significantly higher probability of success.

In lieu of the last paragraph on page 76 in the Senate report, the managers request the Forest Service to report by February 15, 1995 on the effect of meeting certain requirements of section 705(a) of ANILCA and NFMA, such as establishing habitat conservation areas for goshawk and wolves, on seeking to provide a timber supply to meet the annual and forest planning cycle market demand in the Tongass NF. the managers are aware of the needs for management of the Tongass which have arisen subsequent to the Department's budget process for fiscal year 1995, including funds to reformulate long term timber sales into small business and independent sales; for the Tongass Land Management Plan (TLMP) process to incorporate new information into the TLMP revision; and to make timber available to replace volume in conflict with proposed management measures. As these needs are further defined, the Forest Service should make the maximum feasible amount of resources available to meet them, and should submit a reprogramming request if determined necessary at the earliest possible date for items that will stress studies for ecologically sound timber management, expediting the land management planning process, and transitional measures associated with recent developments. In addition, the managers recommend that the Forest Service meet with interested members of the public, such as the timber purchasers and others, to explain the costs, benefits, and details of using watershed analysis in the Tongass.

The managers are aware of needs for inventory and species assessment activities on the Tongass NF, AK, and urge the Fish and Wildlife Service and the Forest Service to consider these requirements when allocating funds in fiscal year 1995. If additional resources are necessary by either agency, a reprogramming should be submitted.

With respect to the possibility of a 10-year contract, the Forest Service should explore this option in the context of the Tongass land use management plan revision process. The managers expect the Forest Service to provide a draft plan and tentative schedule for such a contract and whether it should be done apart from the TLMP process. The managers on both sides are interested in seeing the TLMP revision completed expeditiously.

In preparing the fiscal year 1996 budget, the Forest Service should consider budget allowances which will help to address the costs associated with contract cancellations and modifications.

The managers understand that the $200,000 earmarked in the Senate report for the conversion of roads to trails will be used in as many forests as possible in Region 6, with the Gifford Pinchot NF being the first priority.

The managers have not provided a specific earmark for inland fish activities at Walker Lake, Toiyabe NF, NV. However, the managers recognize the importance of this effort, and expect the Forest Service to proceed with the required work related to the Lahontan cutthroat trout to the maximum extent feasible. Any related activities which involve recreation improvements should be funded from the recreation use line item.

The managers recognize the Grande Ronde Model Watershed efforts undertaken in northeast Oregon and encourage others to foster such collaborative endeavors. The Regional Forester and the Forest Service East Side Ecosystem project are expected to cooperate to the fullest extent practicable with watershed-based State/local habitat restoration initiatives such as that underway in the Grande Ronde.

The House and Senate reprogramming guidelines are revised to include the Senate Energy and Natural Resources Committee under item 9(a) (notification of Committees before changing regional boundaries, abolishing any region, or moving or closing any regional office).

The managers note that in recent years, funds have been provided for additional land acquisition on the Green Mountain NF, VT. The classification of these lands through the forest plan process, which involves public comment, is not yet complete. As a result, the Forest Service is not able to manage

these lands actively for the appropriate resources.

Within funds provided to the Green Mountain NF, the Forest Service is encouraged to undertake the analysis, inventory, and public involvement necessary to identify the appropriate management classification of recently acquired lands so that these lands may be integrated into the forest plan. To the extent allowed under existing authorities, the Forest Service is encouraged to undertake these actions using funds provided in the land acquisition account for the Green Mountain NF.

Amendment No. 76: Provides that timber volume authorized for sale during fiscal year 1994 but which remains unsold shall be offered for sale during fiscal year 1995 to the extent possible as proposed by the Senate.

FOREST SERVICE FIRE PROTECTION

Amendment No. 77: Appropriates $159,590,000 for Forest Service fire protection instead of $160,590,000 as proposed by the House and $156,908,000 as proposed by the Senate. The decrease from the amount proposed by the House is $1,000,000 for fuels management. While the remaining increase of $3,000,000 for fuels management is not earmarked, the managers agree that the Forest Service should note the high priority areas included in the Senate report, and should also place a high priority on the natural fuels treatment initiative in Region 5.

The managers commend the Department of Agriculture for establishing a task force to review the causes, effects, and severity of the wildfires in the Western United States. The managers expect the Department to move expeditiously to restore and rehabilitate burned-over areas, and reduce excessive fuel load in areas highly susceptible to wildfire. The goals of the Department in undertaking such efforts should be to reduce the risk of loss of life and property; minimize the costs associated with future outbreaks of fire; reduce the risk of post-fire flooding; and enhance the health and sustainability of forest ecosystems.

The managers also urge the Forest Service to expedite the planning and execution of grass seeding, revegetation, and tree planting operations in forest areas affected by the 1994 wildfires, such as in the State of Washington, in order to avoid potential floods and landslides. The managers encourage the Forest Service to given consideration, to the best of its ability, to dislocated timber workers when employing individuals for the replanting, revegetation, and reseeding work.

CONSTRUCTION

Amendment No. 78: Appropriations $203,186,000 for construction instead of $191,740,000 as proposed by the House and $219,234,000 as proposed by the Senate. The increase over the amount proposed by the House consists of a decrease of $400,000 for trail construction (including $300,000 for Badin Lake, Uwharrie NF, NC and $100,000 for the Wayne NF, OH), and increases of $1,102,000 for facilities construction and $10,744,000 for road construction.

The increase for facilities consists of increases of $800,000 for Green Mountain NF facility purchase, $232,000 for Hudson Prairie Center, NE, $785,000 for Multnomah Falls sewer system, OR, $1,150,000 for Columbia River Gorge Discovery Center, $871,000 for Winding Stair Mountain, OK, $635,000 for Ketchikan Visitors Center, AK, $1,400,000 for Seneca Rocks Visitors Center, WV, $260,000 for Caney Lake, LA, and $753,000 for Mount St. Helens NVM, WA; and decreases of $2,777,000 for administrative facilities outyear planning and design, $300,000 for Stubblefield Recreation Area, TX, $125,000 for Wayne NF, OH recreation projects, $69,000 for the Red Bluff campground, CA, $150,000 for the Applewhite Area, San Bernardino NF, CA, and $2,363,000 for outyear planning and design for recreation facilities.

With regard to the outyear planning for both facilities and roads (recreation and general purpose), the managers have provided half of the amounts requested for regionwide planning and design, to be used for new projects costing less than $250,000 and for rehabilitation projects costing less than $500,000. Any projects with outyear costs exceeding these levels should be specifically justified in the 1996 budget justification before any planning funds are obligated. Under administrative facilities, $120,000 is provided for the Boulder, CO office, which has been started with previous funding.

For road construction, the increase over the amount proposed by the House consists of increases of $12,500,000 for timber roads, $283,000 for the Hudson Prairie Center, and $488,000 for Mount St. Helens; and decreases of $263,000 for general purpose roads and $2,264,000 for recreation roads, both for outyear planning and design. If the amount provided for timber road construction proves not to be adequate during fiscal year 1995, the Forest Service should submit a reprogramming request to the Appropriations Committee for consideration.

No funding is earmarked for the Longleaf Vista Trail Area, Kisatchie NF, LA. Within the total of $390,000 provided for the Taft Tunnel project, $114,000 of this funding should be provided from recreation facilities funds. Within trail funds, there is $57,000 for Winding Stair recreation area, OK.

Within the funds included in the budget for region 6 survey and design, construction engineering, and program administration to be allocated to Washington, the Forest Service should use $100,000 to plan projects needed to provide public access through Federal land and to provide recreation opportunities at Bead Lake, Colville NF, WA. The managers encourage the Forest Service to include the funds necessary to construct the access and facilities in the 1996 budget request, and to ensure that all activities are carried out in accordance with all environmental laws and with full public participation.

Amendment No. 79: Provides $71,443,000 for facilities construction instead of $70,341,000 as proposed by the House and $70,367,000 as proposed by the Senate. The difference from the amount proposed by the House is discussed under Amendment No. 78.

Amendment No. 80: Provides $131,743,000 for construction of roads and trails instead of $121,399,000 as proposed by the House and $148,867,000 as proposed by the Senate. The difference from the amount proposed by the House is discussed under Amendment No. 78.

LAND ACQUISITION

Amendment No. 81: Appropriates $65,436,000 for land acquisition instead of $61,131,000 as proposed by the House and $60,541,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Area	*Amount*
Alpine Lakes Management Area, WA	$3,105,000
Apalachicola National Forest, FL	1,500,000
Appalachian NST	2,000,000
Arapaho NF, CO	300,000
Big Sur/Los Padres NF, CA	2,000,000
Caribbean National Forest, PR	500,000
Chattooga WSR, NC., SC	2,750,000
Cibola National Forest, NM	650,000
Cleveland National Forest, CA	2,500,000
Colorado Wilderness, CO	2,000,000
Columbia Gorge NSA, OR, WA	1,400,000
Daniel Boone National Forest, KY	1,500,000
Finger Lakes National Forest, NY	1,200,000
Flathead National Forest, MT	750,000
Francis Marion National Forest, SC	1,150,000
Gallatin NF, MT	5,000,000
Green Mountain NF, VT	2,250,000
Hoosier NF, IN	500,000
Jefferson National Forest, VA	750,000
Kisatchie National Forest, LA	400,000
Michigan Lakes and Streams, MI	1,300,000
Minn. Wilderness/Water, MN	500,000
North Fork American WSR, CA	1,000,000
Oconee National Forest, GA	500,000
Olympic National Forest, WA	1,000,000
Oregon Dunes NRA, OR	250,000
Osceola National Forest, FL	500,000
Ouachita National Forest, AR, OK	600,000
Pacific Crest NST, CA,WA	1,000,000
Pacific Northwest Streams, WA, OR	1,500,000
Prescott National Forest, AZ	750,000
Rio Grande NF, CO	1,500,000
Roosevelt NF, CO	1,500,000
San Bernardino NF, CA	1,000,000
Skagit WSR, WA	1,100,000
Talledega NF, AL	300,000
Toiyabe NF, NV	2,500,000
Uwharrie National Forest, NC	500,000
Wayne National Forest, OH	1,000,000
White Mountain NF, NH, ME	500,000
White Salmon WSR, WA	440,000
Wisconsin NFs, WI	500,000
Emergency Acquisitions	2,000,000
Wilderness Acquisitions	1,000,000
Cash Equalization	2,000,000
Acquisition Management	8,491,000
Total	65,436,000

The $300,000 for the Arapaho National Forest, Colorado is for land acquisition in the Kawuneeche Valley area of Colorado. These lands are to be managed for their value in protecting the headwaters of the Colorado River and the viewshed of Rocky Mountain National Park.

Within the $750,000 provided for the Jefferson National Forest acquisition, $450,000 is for the first phase of the Cripple Creek tract and the remaining funds are for acquisition at the Guest River Gorge and other Mount Rogers acquisitions.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Amendment No. 82: Deletes House language on the Shawnee NF and inserts Senate language prohibiting the use of funds for clearcutting or even aged management in hardwood stands on the Shawnee NF to the greatest extent possible and in accordance with the Shawnee NF plan.

Amendment No. 83: Deletes language proposed by the Senate limiting the amount of reimbursement to the Agricultural Stabilization and Conservation Service for administrative costs under the Stewardship Incentive Program to no more than 10 percent of the program level. The language is not necessary because it is covered under existing general Department-wide policy.

Amendment No. 84: Deletes bill language proposed by the Senate which would have authorized the use of $10,600,000 of National Forest System funds to prepare and offer additional timber sales in four regions of the Forest Service, with the borrowed funds to be repaid from timber receipts if total receipts reached a certain level. The Forest

Service has stated that it would be difficult if not impossible to offer any timber sales in 1995 under this authority because of the uncertainty of whether receipts would reach the specified level; and the uncertainty of whether any NFS funds would remain available to be used for this purpose once it is determined that sufficient receipts have been received. The managers are aware of concerns about the timber sales program in various forests and regions, including the Allegheny NF and the South, and have addressed this issue under Amendment No. 75.

Amendment No. 85: Deletes language proposed by the Senate which would have prohibited the use of funds to implement law enforcement regulations unless the proposed regulations were submitted to the Senate and House Agriculture Committees not later than 90 days before the regulations were made final. The Forest Service is directed to provide the proposed revised law enforcement regulations to the named Committees not later than 90 days before the regulations are scheduled to become final for review and comment by the Committees.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

The managers agree with the Senate language asking the Department of solicit expressions of interest in commercial projects employing clean coal technologies, limited to international (non-domestic) projects of the type described in the Senate report. These expressions of interest should be sought from U.S.-based companies or consortia expecting to provide significant domestic content to such projects.

FOSSILE ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 86: Appropriates $442,614,000 for fossil energy research and development instead of $445,544,000 as proposed by the House and $436,451,000 as proposed by the Senate. The amount includes $17,000,000 derived by transfer from the SPR petroleum account.

The net decrease below the amount proposed by the House consists of increases of $300,000 for PETC in-house research on coprocessing of coal and recyclable waste materials in advanced research and environmental technology in fuels research; $500,000 for integrated gasified combined cycle; $500,000 for a pulsed agglomerating combustor in pressurized fluidized beds (PFBs); $1,800,000 for METC in-house research, excluding funds for a hot particulate removal test facility, excluding fluids for a hot particular removal test facility, in advanced research and environmental technology in power systems; $1,000,000 for high temperature materials in advanced research and technology development; $250,000 for beginning an innovative petroleum atlas with the University of Kansas, and $1,100,000 for 50% cost-shared drilling and production research with the University of Tulsa, both in exploration and production supporting research in oil technology; $500,000 for fracture technology verification by LL&E and $1,250,000 for the coalbed methane initiative, both in resource and extraction in natural oil gas research; $350,00 for continued gas-to-liquids research at the University of Oklahoma in natural gas utilization; $750,000 for Native American programs in cooperative R&D; and $1,500,000 to complete the METC building B-4 restoration project and $750,000 for Bartlesville general facility renovations, both in facilities; and decreases of $500,000 for high efficiency processes and $250,000 for PETC in-house research, both in coal preparation; $1,000,000 in indirect liquefaction; $1,141,000 for low emissions boiler systems in advanced pulverized coal plants; $600,000 for environmental activities, $250,000 for technical and economic analysis, and $500,000 for coal technology export, all in advanced research and technology development; $500,000 for class field monitoring, $500,000 for technology transfer, $1,000,000 for secondary recovery research, $500,000 for advanced extraction techniques, and $1,500,000 for the Rocky Mountain Oilfield Testing Center, all in exploration and production supporting research in oil technology; $250,000 in exploration and production environmental research in oil technology; $1,000,000 in processing research and downstream operations in oil technology; $405,000 in environmental research and regulatory analysis in natural gas research; $250,000 for the Illinois cooperative agreement in cooperative R&D; $2,511,000 in environmental restoration; and $823,000 in headquarters program direction.

The managers agree that:

1. Funds for high efficiency processes in coal preparation are to be used for incremental funding of awards to the remaining selectees;

2. Funds in Fischer Tropsch and oxygenates key activities in indirect liquefaction may be used to carry out activities at the Laporte facility in order to maximize private sector involvement at the facility and reported after the fact with the quarterly base table adjustments;

3. The Department shall continue to fund the three current contractors in the low emissions boiler systems program provided the added cost is offset by increased cost sharing at a level of at least 25% in Phases II and III. The managers further agree that a report is necessary by April 1, 1995, as proposed by the Senate, reviewing the role of the program in the overall context of the advanced combustion systems development program;

4. The amount for indirect fired cycle activity includes $10,441,000 for Phase II and bridge contracting, $675,000 for PETC in-house research, $650,000 for METC in-house research, and $119,000 for general support. The managers further agree to government bridge funding as proposed by the Senate, estimated for the externally-fired combined cycle project to be approximately $2.7 million, cost-shared at no less than 25 percent;

5. With regard to the increase for high temperature materials, institutions and university/industry consortia with a foundation of background knowledge and experience in these technologies, such as Argonne National Laboratory, Pennsylvania State University, West Virginia University and the Carbon Products Consortium should be given priority consideration;

6. Funding for the Gypsy field project with the University of Oklahoma is supported strongly and additional funds were not included only because existing resources are sufficient to carry the current program through fiscal year 1995. The managers are concerned about reported delays in moving the project forward in fiscal years 1994 and 1995. The managers expect that any funds provided in fiscal year 1996 will be obligated mid-year in order to provide for a smooth continuation of the project.

7. The Department should work with the University of Kansas to begin the development of a mid-continent petroleum atlas using innovative techniques and emerging information technologies, including advanced geographic information systems (GIS), relational data base systems, and online access;

8. To the extent NPR-3 is used as an oil field testing center the government portion of costs for such testing should be absorbed by the benefitting oil technology program; when NPR-3 is the benefitting entity it should absorb the costs;

9. Up to $450,000 in addition to the $500,000 increase for the LL&E fracture verification contract should be provided out of projected new starts in the diagnostic and evaluation of natural fractures key activity in the budget for resource and extraction in natural gas research;

10. In the coal bed methane initiative, $500,000 is provided to undertake a feasibility study which is to result in a report to the Appropriations Committees analyzing the merits of and delineating the contents of the propose program. No additional activity, including procurement, for which $750,000 has been provided, shall be undertaken prior to review of the report by the Committees.

11. The amount for advanced turbine systems includes $4,800,000 for the industry/university consortium, $1,000,000 for manufacturing technology in the National laboratories, $2,500,000 for METC in-house research, $2,000,000 for combustion/coal technology, and $27,556,000 for the component development procurement; and

12. The $750,000 provided for the Native American program should continue efforts by the Department such as those to develop cost effective systems for remote community power supplies involving the State of Alaska, and several native corporations in Alaska. The managers expect that, prior to any site specific activity, the Department will issue a solicitation of interest to those and other Native American entities or corporations to assure the broadest possible participation in technology demonstrations related to the establishment of independent power supplies for isolated communities.

NAVAL PETROLEUM AND OIL SHALE RESERVES

Amendment No. 87: Appropriates $187,406,000 for Naval petroleum and oil shale reserves as proposed by the Senate instead of $193,956,000 as proposed by the House.

ENERGY CONSERVATION

Amendment No. 88: Appropriates $793,194,000 for energy conservation instead of $824,585,000 as proposed by the House and $743,741,000 as proposed by the Senate.

The net increase above the amount proposed by the Senate consists of increases of $1,000,000 in the core retrofit technologies activity to include continued coordination with HUD, $1,000,000 for Rebuild America, and $400,000 for best practices emphasizing cost-shared activities, all in building systems; $1,625,000 for indoor air quality in building envelope; $2,000,000 for heating and cooling technology and $2,000,000 for golden carrot/demonstration activity, both in building equipment; $500,000 for EEMS/HERS in codes and standards; $1,000,000 for the Federal Energy Efficiency Fund and $1,500,000 for innovative/alternative financing and Federal facility test beds, both in the Federal Energy Management Program; $500,000 for advanced topping cycles and $2,000,000 for continuous fiber ceramic composites, both in industrial cogneration; $250,000 for electric drives in industry; $1,000,000 for thermal science in industrial process hearing and cooling; $950,000 in waste utilization and conversion and $1,000,000 for NICE 3 in waste reduction, both in industrial waste; $500,000 for aluminum spray forming in industrial materials and metals processing; $1,000,000 for the EADC program in industrial implementation

and deployment; $1,000,000 for vehicle systems materials; $1,500,000 for light duty engine development; $2,000,000 for battery development and $2,000,000 for hybrid systems development, both in electric and hybrid propulsion development; $14,000,000 for weatherization assistance; $875,000 for basic State energy conservation program grants; $290,000 to delete the proposed absorption of the fiscal year 1995 pay raise; and $11,000,000 to delete the proposed general reduction; and decreases of $1,200,000 for engine optimization in alternative fuels utilization and $237,000 in additional use of prior year funds.

The managers agree that:

1. The reduction in advanced topping cycles should be taken from the new component development procurement and not from work on low NO_x combustion.

2. No funds are included to expand the number of Energy Analysis and Diagnostic Centers (EADCs) beyond the 30 planned in fiscal year 1994. Funding is expected to provide for 30 centers capable of performing both energy audits and combined energy/waste assessments. Development of industrial guide books, best practice manuals, and collaborative workshops with States is also supported at this funding level.

3. Within funds made available for integrated resource planning (IRP), the Department should establish a program that addresses the impact of industry restructuring on IRP in lieu of establishing a separate State grant program. The program should be a cooperative effort of the Department and relevant State and local organizations and affected industries, and should emphasize technical and financial assistance, collaborative processes, and research directed to assist States considering restructuring alternatives. The managers expect the Department to give strong consideration to providing financial assistance to State actively engaged in integrated resource planning.

4. Support for foreign energy efficiency centers must be coordinated closely with the Agency for International Development (AID) and other appropriate agencies of the Departments of State and Commerce and in no case should funds be used to provide basic operating support to new centers. Assistance needs to be targeted to enhancing the use of energy efficient technologies provided by U.S. based firms, and relevant to ongoing Department programs and the Administration should resolve the matter of continued basis operating support for existing energy efficiency centers in a manner that will not obligate the Department of Energy to provide such funds after fiscal year 1995.

5. Within the funds made available for the Site Operators Program and the Federal Fleet Acquisition program the following criteria must be made a part of any agreement entered into or action taken by the Department with EV America, or equivalent coalition:

Within the Site Operators Program, program scope must be limited to testing and evaluation of electric vehicles and associated support infrastructure.

Within the Federal Fleet Acquisition program, for any vehicle acquisitions made in conjunction with EV America or equivalent coalition: (a) vehicles must be acquired in accordance with Sec. 302(a)(2) of the Energy Policy Act; (b) no vehicles will be acquired for the purpose of testing and evaluation; (c) vehicle performance must be comparable to equivalent internal combustion engines except in range; (d) light duty vehicles must have a range minimum of 60 miles; (e) medium to heavy duty vehicles must have a range minimum of 40 miles; (f) the maximum incremental cost of each vehicle must be no higher than $20,000.

Any vehicle acquisition procurement must be open to the three major domestic vehicle manufacturers.

6. Sufficient funds have been made available for low income weatherization assistance to permit the Department to revise the formula for distribution of grant funds to States in order to allow for a more equitable apportionment of funds while not harming the existing capacity of any State to weatherize homes. Such a revised formula, generally following the principles established among the Department and affected interests, should be implemented as rapidly as possible through the rulemaking process.

7. The Cool Communities concept including outreach and community involvement in adopting technologies and methods of mitigating urban heat island effects should be encouraged by the Department and coordinated with urban heat island funding remaining in the appropriation.

Amendment No. 89: Earmarks, $278,399,000 for energy conservation grant programs instead of $283,199,000 as proposed by the House and $265,024,000 as proposed by the Senate. The earmark consists of $226,800,000 for the weatherization assistance program, $22,539,000 for the State energy conservation program, and $29,060,000 for the institutional conservation program.

Amendment No. 90: Earmarks $226,800,000 for the weatherization assistance program instead of $230,800,000 as proposed by the House and $212,800,000 as proposed by the Senate.

Amendment No. 91: Earmarks $22,539,000 for the State energy conservation program instead of $23,339,000 as proposed by the House and $23,164,000 as proposed by the Senate. The reduced earmark is a result of actions taken in Amendment No. 88.

Amendment No. 92: Deletes Senate proposed language which reduced earmarks proportionally based on a general reduction to the appropriation account. The House had no similar provision.

Amendment No. 93: Deletes Senate proposed language concerning weatherization assistance distribution formulas. The House had no similar provision. This subject is covered in Amendment No. 88.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 94: Appropriates $84,728,000 for the Energy Information Administration as proposed by the House instead of $84,507,000 as proposed by the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Amendment No. 95: Appropriates $1,713,052,000 for Indian health services instead of $1,706,102,000 as proposed by the House and $1,715,052,000 as proposed by the Senate. Increases to the House position include $4,812,000 to restore the fiscal year 1994 level, $5,977,000 to continue funding, provided in the facilities appropriation in fiscal year 1994, for increasing the level of need funded for certain tribes, and $211,000 for the Perry Point supply facility. The increases are partially offset by decreases in hospitals and clinics of $750,000 for diabetes programs and $100,000 for AIDS prevention and treatment, and a decrease of $3,200,000 in the alcohol and substance abuse program.

The managers agree that:

1. The fetal alcohol syndrome project at the University of Washington should receive its fair share of the funds provided for inflation;

2. Of the funds provided for program increases for alcohol and substance abuse treatment and prevention, at least $100,000 should be used to help offset the operational shortfalls in the Gallup, NM alcoholism project;

3. The IHS should coordinate carefully with the tribes in the Portland Area prior to reaching a decision on the transfer of the Native American Rehabilitation Association alcoholism project from the hospitals and clinics program to the urban program;

4. The self-governance program should be expanded through new compacts but these compacts should not be negotiated at the expense of program funding for other tribes;

5. The IHS, in consultation with all the tribes, must address the organizational changes needed, such as closing and consolidating area offices and delegating area office and headquarters functions to the field, to free up funding for additional self-governance compacts in fiscal year 1995 and beyond;

6. The IHS and the BIA should prepare a coordinated plan for addressing the unmet need for child sexual abuse treatment and prevention programs for American Indians and Alaska Natives, along with cost estimates, and the report should be delivered to the House and Senate legislative and Appropriations Committees within 90 days of enactment of this Act; and

7. The Bay Mills child sexual abuse treatment and prevention program should be treated as a recurring program in fiscal year 1995 and subsequent years. The managers expect all programs funded under the services appropriation to be treated as recurring unless expressly stated to the contrary.

Amendment No. 96: Deletes language inserted by the Senate earmarking $250,000 for the training of American Indians in the field of psychology, as authorized by Section 217 of the Indian Health Care Improvement Act of 1992. The House had no similar provision.

The managers understand that the fiscal year 1995 IHS scholarship program will support 18 continuing students and 6 new scholarship awards in the area of clinical psychology. The managers urge the IHS and the Department to consider carefully the need for additional scholarship programs in the field of psychology and to incorporate funding estimates for such programs, including the Indians into Psychology program, in the IHS priorities for the fiscal year 1996 budget.

INDIAN HEALTH FACILITIES

Amendment No. 97: Appropriates $253,767,000 for Indian health facilities as proposed by the Senate instead of $253,892,000 as proposed by the House. The changes to the House position include an increase of $375,000 for design of the Parker, Arizona outpatient facility and a decrease of $500,000 for injury prevention activities in the facilities and environmental health support program.

The managers are concerned that the Winnebago and Omaha tribes in Nebraska are still in disagreement with respect to the site selection for a new inpatient facility. The Committees recommended funding for the Winnebago hospital design in this appropriation with the understanding that there was a firm agreement between the Tribes with respect to the site selection process and hospital construction. The managers are hopeful that a permanent agreement on the Winnebago hospital can be reached shortly; however, given the great unfunded need of the projects on the IHS construction priority list, available funds need to be devoted to those projects that are underway or ready to

proceed to planning, design and construction. If an agreement has not been reached when the Committees are considering the fiscal year 1996 appropriation for IHS, the Committees intend to recommend that the $1,400,000 provided for Winnebago hospital design in fiscal year 1995 be reprogrammed to other ongoing IHS facility construction projects at the beginning of fiscal year 1996.

The managers are aware of concerns about the inclusion of programs which have been operated under P.L. 93-638 into self-governance compacts. The managers encourage the IHS, and particularly the Office of Environmental Health and Engineering, to work with the self-governance tribes to negotiate activities which could be incorporated into self-governance compacts without affecting adversely non-compacting tribes. Where possible, funds for one-time or non-recurring activities may be folded into ongoing compacts but should not be considered a part of the base.

The managers agree that:

1. Funds provided for the facilities program should be distributed in accordance with a methodology that addresses the fluctuating annual workload and maintains parity among the IHS areas and the tribes as the workload shifts;

2. Funding for sanitation facilities should be used in accordance with the criteria outlined in House report 103-551; and

3. The IHS sanitation program should continue to provide connection fees for Indian homes in non-Indian communities but within an IHS service area, and provide system expansions or extensions when necessary for currently unserved Indian homes. This issue is discussed in more detail in Amendment No. 100.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Amendment No. 98: Designates the IHS clinic in Stilwell, Oklahoma as the "Wilma P. Mankiller Indian Health Clinic" as proposed by the Senate. The House had no similar provision. The amendment also permits the recently Federally recognized Ponca Tribe of Nebraska to use funds, appropriated in fiscal year 1994, to purchase a building for a health care facility for the Tribe, and permits the IHS to enter into a P.L. 93-638 contract for the operation of the Dena A Coy center in Anchorage for treatment of pregnant and postpartum women for substance abuse.

Amendment No. 99: Provides for IHS retention of funds for meals served at IHS facilities as proposed by the Senate and makes the provision permanent. The House had no similar provision.

Amendment No. 100: Deletes Senate provision mandating the inclusion of certain Native villages in Alaska in the IHS sanitation facilities priority system. The House had no similar provision.

The Indian Health Service has indicated it will consider the needs of Alaska Natives in the non-Native communities in Alaska where circumstances inhibit the community's ability to meet water supply and waste disposal mandates.

The managers understand that the IHS will provide sanitation facilities to some Indian homes in non-Indian communities if the non-Indian community is in an IHS service area and the homes (new or existing) are currently not served by the community system. Some examples follow.

a. IHS can fund the construction of a service line between an Indian home and an existing water main, and IHS can pay the connection fee.

b. If a subdivision of Indian homes is constructed, IHS can fund the sanitation facilities for the homes inside the subdivision plus fund upgrades to the central treatment/storage systems made necessary to accommodate the added Indian homes (a proportional amount).

c. IHS can fund a connection between an Indian and non-Indian community to provide improved service to the Indian community.

d. IHS can fund a prorated amount for a new regional solid waste facility in locations where there was no existing solid waste collection and disposal system.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

Amendment No. 101: Strikes a reference to House-passed authorizing legislation as proposed by the Senate and inserts new language to provide for the orderly completion of projects begun under the recently expired authorization. The amount provided for special programs for Indian children includes funds for continuation awards for Indian-controlled schools.

The managers agree that the distribution of funds between grants to local education agencies and special programs for Indian children should be based on the House-recommended levels. Realignment of funds between these programs, up to a maximum of $500,000, may be accomplished via reprogramming to the extent needed to comply with the final reauthorization law.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Amendment No. 102: Appropriates $24,936,000 for the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of $26,936,000 as proposed by the House. The change to the House position is a decrease of $2,000,000 for housing.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

Amendment No. 103: Appropriates $11,213,000 for payment to the Institute instead of $12,713,000 as proposed by the House and $9,812,000 as proposed by the Senate. The decrease below the amount proposed by the House is $1,500,000 for new campus construction.

The managers have agreed to provide $1,500,000 for new campus construction, making a total of $4,500,000 that has been provided to date out of the $8,000,000 to be provided from this appropriation for the project. The managers are concerned about the ability and plans of the Institute to raise the remaining ⅔ of the funds needed for Phase I of this project through grants or private fundraising, and will expect to see significant progress in raising the balance of funding needed prior to recommending the balance of appropriations under this agreement.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 104: Appropriates $314,454,000 for salaries and expenses as proposed by the House instead of $312,755,000 as proposed by the Senate.

The $50,000 increase provided for the Mpala Center, Kenya is for facilities and equipment on a one-time only basis.

The managers agree that the Smithsonian should identify a qualified individual who is currently a permanent employee of the Smithsonian to supervise the planning, allocation, and administration of the Latino programming funds and the implementation of recommendations of the Task Force on Latino Issues. The managers are concerned about the issues raised in the Report of the Task Force on Latino Issues and expect the Smithsonian to act expeditiously on the findings.

The managers expect the Smithsonian's exhibit surrounding the *Enola Gay* to recognize properly and respectfully the significant contribution to the early termination of World War II, and the saving of lives of both Americans and Japanese, by its crew, the Army Air Services Command and President Truman.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

Amendment No. 105: Appropriates $4,050,000 for zoo construction instead of $5,000,000 as proposed by the House and $3,050,000 as proposed by the Senate. The decrease below the amount proposed by the House is for the grasslands exhibit.

CONSTRUCTION

Amendment No. 106: Appropriates $29,300,000 for construction as proposed by the Senate instead of $30,000,000 as proposed by the House. The decrease below the amount proposed by the House is for savings from prior year projects.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

Amendment No. 107: Appropriates $141,950,000 for grants and administration as proposed by the House instead of $133,903,000 as proposed by the Senate.

MATCHING GRANTS

Amendment No. 108: Appropriates $29,150,000 for matching grants as proposed by the House instead of $27,693,000 as proposed by the Senate.

Amendment No. 109: Earmarks $12,750,000 for challenge grants as proposed by the House instead of $12,113,000 as proposed by the Senate.

REDUCTION OF FUNDING

Amendment No. 110: Restores language proposed by the House reducing funding for the National Endowment for the Arts by 2.0 percent The Senate had deleted this provision.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

The managers agree to earmark $5,750,000 for the National Heritage Program within the Office of Preservation The House had proposed an earmark of $6,000,000.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

Allocates $3,437,000 for conservation programs and $698,000 for services to the profession as proposed by the House. The Senate allocated $300,000 more for conservation and $300,000 less for services to the profession.

COMMISSION OF FINE ARTS

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

Amendment No. 111: Appropriates $7,500,000 for National capital arts and cultural affairs grants as proposed by the House instead of $6,648,000 as proposed by the Senate.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

Amendment No. 112: Appropriates $2,947,000 for the Advisory Council on Historic Preservation as proposed by the Senate instead of

$2,967,000 as proposed by the House. The change to the House position is a decrease of $20,000 for travel.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

Amendment No. 113: Appropriates $2,738,000 for the salaries and expenses of the Pennsylvania Avenue Development Corporation as proposed by the Senate. The House recommended no such appropriation.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

Amendment No. 114: Appropriates $26,660,000 for the Holocaust Memorial Council as proposed by the House instead of $21,679,000 as proposed by the Senate. The managers expect the Council to notify the Committees as soon as possible on any needed realignment of funds to accommodate unanticipated increases in operation and maintenance and security requirements placed on the Holocaust Memorial Museum as a result of the continuing higher-than-expected visitation at the museum.

Amendment No. 115: Restores language proposed by the House and stricken by the Senate providing that $2,700,000 of the funds available to the Council in fiscal year 1995 shall remain available until expended for repair and rehabilitation projects at the Holocaust Memorial Museum.

TITLE III—GENERAL PROVISIONS

Amendment No. 116: Clarifies the Senate proposed language providing for burial costs and related expenses for employees killed in the line of duty, and expands coverage to all agencies in the bill, instead of only the Department of the Interior and Forest Service as proposed by the Senate. The House had no similar provision.

The amendment also provides a 0.191 percent reduction to all accounts in the Act with the exception of payments required by law, payments to certain Indian groups, and certain small independent agencies. The reduction is made to reduce budget authority and outlays to levels within Congressional budget allocations.

The amendment also provides a total of $450,000,000, as requested by the Administration, for the Emergency Forest Service Firefighting Fund. The Forest Service is experiencing a very severe fire season in fiscal year 1994. As of early September, there had been over 58,000 wildland fires that burned more than 3,300,000 acres, about one-third of which were in the National Forests. Emergency appropriations are necessary to fund the direct expenses required to suppress wildfires on or threatening National Forest System lands and other lands under fire protection agreements, as well as to fund the emergency rehabilitation of burned over National Forest System lands.

The Forest Service has exhausted both the funding appropriated for emergency firefighting activities in fiscal year 1994, as well as available carry-over balances and emergency contingency funding. This additional emergency supplemental funding is needed to fund fire suppression activities necessary due to the very severe fiscal year 1994 fire season, as well as to reestablish an emergency firefighting contingency fund for future years.

Amendment No. 117: Deletes Senate amendment requiring submission of land acquisition priorities by the National Park Service, the U.S. Fish and Wildlife Service, Bureau of Land Management and the U.S. Forest Service.

The managers agree that the agency budget justifications should include a ranking of projects. Each listing should also include the natural and/or cultural resources associated with the proposal; degree and nature of threat to the resource; and total estimated costs associated with each land acquisition.

Amendment No. 118: Deletes Sense of the Senate language on the Tongass NF, AK.

Amendment No. 119: Deletes language proposed by the Senate which would have required a report on problems with the Shiprock facility of the Navajo Community College within 30 days of enactment of this Act. Although the bill language has not been retained, the Bureau of Indian Affairs should provide a report to the Appropriations Committees within 60 days of enactment of this Act on the facility problems, including the nature of the agreements between the Bureau and the Navajo Community College, the respective responsibilities for maintenance and repair, and any assistance provided by the Bureau consistent with its responsibilities and current policies.

FOREST PLAN

The United States Office of Forestry and Economic Development shall be authorized to establish an interdepartmental fund for the purposes of overseeing implementation of the President's Forest Plan. The Director of the Office shall report to the President and Congress no later than December 31, 1995 on Federal agencies' progress on forest management, economic assistance, and interagency coordination at both regional and national levels, with special attention being given to watershed analysis and restoration.

Nothing in the establishment of this fund is to be construed as overriding the Committee's reprogramming guidelines. If, in the process of evaluating the needs for implementation of the President's forest plan, a reallocation of resources is contemplated, the appropriate Department should propose a reprogramming.

APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1995, is defined by the managers follows:

As provided for by Section 256(1)(2) of Public Law 99-177, as amended, and for the purposes of a Presidential Order issued pursuant to Section 254 of said Act, the term "program, project, and activity" for items under the jurisdiction of the Appropriations Subcommittees on the Department of the Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as national parks, national forests, fish hatcheries, wildlife refuges, research units, regional, State and other administrative units and the like, for which funds are provided in fiscal year 1995.

The managers emphasize that any item for which a specific dollar amount is mentioned in an accompanying report, including all increases over the budget estimate approved by the Committees, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all domestic discretionary accounts.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1995 recommended by the Committee of Conference, with comparisons to the fiscal year 1994 amount, the 1995 budget estimates, and the House and Senate bills for 1995 follow:

New budget (obligational) authority, fiscal year 1994	$13,388,440,000
Budget estimates of new (obligational) authority, fiscal year 1995	13,424,299,000
House bill, fiscal year 1995	13,186,734,000
Senate bill, fiscal year 1995	13,079,834,000
Conference agreement, fiscal year 1995	13,652,540,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1994	+264,100,000
Budget estimates of new (obligational) authority, fiscal year 1995	+228,241,000
House bill, fiscal year 1995	+465,806,000
Senate bill, fiscal year 1995	+572,706,000

SIDNEY R. YATES,
JOHN P. MURTHA,
NORMAN D. DICKS,
TOM BEVILL,
DAVID E. SKAGGS,
RONALD D. COLEMAN,
DAVID R. OBEY,
RALPH REGULA,
JOSEPH M. MCDADE,
JIM KOLBE,
RON PACKARD,
Managers on the Part of the House.

ROBERT C. BYRD,
J. BENNETT JOHNSTON,
PATRICK LEAHY,
DENNIS DECONCINI,
DALE BUMPERS,
FRITZ HOLLINGS,
HARRY REID,
PATTY MURRAY,
DON NICKLES,
TED STEVENS,
THAD COCHRAN,
PETE DOMENICI,
SLADE GORTON,
MARK O. HATFIELD,
CONRAD BURNS,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 4539

Mr. HOYER submitted the following conference report and statement on the bill, (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-741)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4539) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes," having met, after full

and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, 11, 15, 21, 26, 30, 35, 40, 49, 65, 69, 75, 76, 84, 85, 86, 88, 93, and 95.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 7, 9, 12, 18, 19, 20, 27, 31, 32, 33, 37, 38, 39, 41, 46, 47, 48, 56, 57, 59, 62, 64, 67, 74, 83, 89, 90, 91, and 92.

And agree to the same.

Amendment No. 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *not to exceed $2,900,000 for official travel expenses; not to exceed $3,101,000 to remain available until September 30, 1997, shall be available for information technology modernization requirements; of which not less than $6,443,000 and 85 full-time equivalent positions shall be available for enforcement activities; not to exceed $150,000 for official reception and representation expenses;* ; and the Senate agree to the same.

Amendment No. 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$104,497,000: Provided, That of the offsetting collections credited to this account, $79,000 are permanently canceled*; and the Senate agree to the same.

Amendment No. 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$29,700,000*; and the Senate agree to the same.

Amendment No. 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

In lieu of the matter proposed in said amendment, insert: *$19,823,000: Provided, That of the offsetting collections credited to this account, $1,000 are permanently canceled*; and the Senate agree to the same.

Amendment No. 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$183,889,000*; and the Senate agree to the same.

Amendment No. 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *: Provided further, That of the offsetting collections credited to this account, $4,000 are permanently canceled: Provided further, That funds made available shall be used to achieve a minimum staffing level of 4,215 full-time equivalent positions during fiscal year 1995*; and the Senate agree to the same.

Amendment No. 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$1,394,793,000*; and the Senate agree to the same.

Amendment No. 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That Customs shall achieve a minimum full-time equivalent staffing level of 17,524 during fiscal year 1995: Provided further, That $500,000 shall remain available until expended for the construction of a replacement fence within the city limits of Nogales, Arizona under the authority of section 69, title 19, United State Code*; and the Senate agree to the same.

Amendment No. 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$89,041,000*; and the Senate agree to the same.

Amendment No. 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$1,511,266,000, of which $3,700,000*; and the Senate agree to the same.

Amendment No. 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$4,385,459,000*; and the Senate agree to the same.

Amendment No. 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: *for research: Provided further, That the $405,000,000 made available for the fiscal year 1995 tax compliance initiative shall not be expended for any other purposes: Provided further, That no funds shall be transferred from this account during fiscal year 1995*; and the Senate agree to the same.

Amendment No. 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$1,388,000,000 of which no less than $650,000,000 shall be available for tax system modernization, of which up to $185,000,000 for tax and information systems development projects*; and the Senate agree to the same.

Amendment No. 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment insert: *: Provided, That notwithstanding any other provision of this Act, the Internal Revenue Service is authorized to transfer such sums as may be necessary between appropriations with advance approval of the House and Senate Appropriations Committees; Provided further, That no funds shall be transferred from the "Tax Law Enforcement" account during fiscal year 1995.*

And the Senate agree to the same.

Amendment No. 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 3. The Secretary of the Treasury may establish new fees or raise existing fees for services provided by the Internal Revenue Service to increase receipts, where such fees are authorized by another law. The Secretary of the Treasury may spend the new or increased fee receipts to supplement appropriations made available to the Internal Revenue Service appropriations accounts in fiscal years 1995 and thereafter: Provided, That the Secretary shall base such fees on the costs of providing specified services to persons paying such fees: Provided further, That the Secretary shall provided quarterly reports to the Congress on the collection of such fees and how they are being expended by the Service; Provided further, That the total expenditures from such fees shall not exceed $119,000,000.

And the Senate agree to the same.

Amendment No. 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 113. (a) The Director of the United States Secret Service shall direct and apply appropriate agency personnel and resources for the purpose of conducting a security survey of the Bureau of Engraving and Printing.

(b) Such security survey shall include a review of all general security provisions, including:

(1) The security and safeguarding of currency;

(2) Personnel screening and employee background check procedures;

(3) Access control and identification procedures;

(4) The security and safeguarding of currency materials, supplies and related items; and

(5) Other security areas of concern as deemed relevant and appropriate by the agency.

(c) The Bureau of Engraving and Printing and the Federal agencies which participated in any investigations or arrest of person(s) for theft of currency from the Bureau of Engraving and Printing and directed to

(1) provide any assistance and cooperation to the United States Secret Service for the purposes of the security survey;

(2) provide Secret Service personnel, in accordance with all laws, with access to person(s) arrested in connection with theft or removal of currency from the Bureau of Engraving and Printing; and

(3) provide access to all relevant investigative reports and materials: Provided, That access to such persons is approved by the appropriate United States Attorney.

(d) The Director of the United States Secret Service shall provide a preliminary report to the Congress no later than 90 days from the date of enactment of this Act, and a final report containing specific findings and recommendations to the Congress within 180 days of enactment of this Act.

And the Senate agree to the same.

Amendment No. 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$92,317,000*; and the Senate agree to the same.

Amendment No. 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$57,754,000*; and the Senate agree to the same.

Amendment No. 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$52,000,000*; and the Senate agree to the same.

Amendment No. 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: *Provided, That an additional $9,000,0000 shall be made available for drug control activities in Puerto Rico and the U.S. Virgin Islands only if the Director of the Office of National Drug Control Policy designates such areas as a High Intensity Drug Trafficking Area: Provided further, That the funds made available under this head shall be obligated within 90 days of the date of enactment of this Act*; and the Senate agree to the same.

Amendment No. 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$41,900,000, which shall be derived from deposits in the Special Forfeiture Fund; of which $1,800,000 shall be transferred to the Drug Enforcement Administration for the El Paso Intelligence Center; of which $15,000,0000 shall be available to the Director of the Office of National Drug Control Policy for enhancing anti-drug control activities, upon the advance approval of the House and Senate Committees on Appropriations; of which $3,100,000 shall be available to the Director of the Office of National Drug Control Policy for ballistics technologies, upon the advance approval of the House and Senate Committees on Appropriations; of which $14,000,0000 shall be transferred to the Substance Abuse and Mental Health Services Administration, and of which $10,000,000 shall be available to the Center for Substance Abuse Treatment for the residential women and children's program, and of which $4,000,000 shall be available to the Center for Substance Abuse Treatment for community drug treatment programs; of which $8,000,000*; and the Senate agree to the same.

Amendment No. 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$310,197,000*; and the Senate agree to the same.

Amendment No. 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$4,932,322,000*; and the Senate agree to the same.

Amendment No. 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$601,702,000*; and the Senate agree to the same.

Amendment No. 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Alabama:

Montgomery, U.S. Courthouse Annex, $40,547,000

Arizona:

Bullhead City, A grant to the Federal Aviation Administration for a runway protection zone, $2,200,000

Tucson, a grant to the Arizona Historical Documents Education Foundation, $2,000,000

Tucson, U.S. Courthouse, $81,708,000

Florida:

Jacksonville, U.S. Courthouse, $4,600,000

Georgia:

Albany, U.S. Courthouse, $5,640,000

Savannah, U.S. Courthouse Annex, $3,000,000

Hawaii:

Consolidation, University of Hawaii-Hilo, $12,000,000

Kentucky:

Covington, U.S. Courthouse, $2,914,000

London, U.S. Courthouse, $1,523,000

Louisiana:

Lafayette, U.S. Courthouse, $5,042,000

Maryland:

Beltsville, Secret Service Building, $2,400,000

Montgomery and Prince Georges Counties, Food and Drug Administration consolidation, $45,000,000

Beltsville, a transfer to the Rowley Secret Service Training Center, $5,000,000

Missouri;

Kansas City, Federal Building and U.S. Courthouse, $84,895,000

St. Louis, Federal Building and U.S. Courthouse, $171,863,000

New Mexico:

Albuquerque, U.S. Courthouse, $44,342,000

New York:

Long Island, U.S. Courthouse, $23,200,000

Nevada:

Las Vegas, U.S. Courthouse, $4,230,000

Ohio:

Cleveland, U.S. Courthouse, $28,246,000

Steubenville, U.S. Courthouse, $2,820,000

Tennessee:

Greeneville, U.S. Courthouse, $2,936,000

Texas:

Brownsville, Federal Building and U.S. Courthouse, $5,980,000

Corpus Christi, U.S. Courthouse, $6,446,000

El Paso, Federal Office Building, Claim, $327,000

Washington:

Blaine, Border Station, $4,472,000

Point Roberts, Border Station, $698,000

West Virginia:

Martinsburg, Internal Revenue Service Computer Center, $7,547,000

And the Senate agree to the same.

Amendment No. 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$720,564,000*; and the Senate agree to the same.

Amendment No. 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

California:

Los Angeles, U.S. Courthouse, $22,420,000

Menlo Park, U.S. Geological Survey Building #3, $6,868,000

Sacramento, Federal Building, $14,914,000

San Pedro, Custom House, $4,887,000

Colorado:

Denver, Federal Building and Custom House, $8,006,000

District of Columbia:

Ariel Rios, Facades, $3,551,000

Customs/ICC/Connecting Wing Complex, (phase I), $8,696,000

National Courts, $4,129,000

Illinois:

Chicago, Federal Center, $47,682,000

Maryland:

Baltimore, George H. Fallon Federal Building (phase 3), $15,459,000

Woodlawn, SSA East High-Low Buildings, $17,292,000

New Jersey:

Trenton, Clarkson S. Fisher Courthouse, $14,107,000

New York:

Holtsville, IRS Service Center, $19,183,000

New York, Jacob K. Javits Federal Building, $2,602,000

New York, Silvio V. Mollo Federal Building, $953,000

North Carolina:

Asheville, Federal Building and U.S. Courthouse, $6,347,000

Ohio:

Cleveland, Anthony J. Celebreeze Federal Building, $10,972,000

Oklahoma:

Oklahoma City, Alfred P. Murrah Federal Building, $5,290,000

Pennsylvania:

Harrisburg, Federal building and U.S. Courthouse, $15,213,000

Philadelphia, Byrne-Green Complex, $30,628,000

Philadelphia, R.N.C. Nix, Sr., Federal Building and U.S. Courthouse (phase 3), $13,257,000

Rhode Island:

Providence, Kennedy Plaza Federal Courthouse, $7,740,000

Texas:

Lubbock, Federal Building and U.S. Courthouse, $12,167,000

Virginia:

Richmond, U.S. Courthouse and Annex, $12,509,000

Washington:

Walla Walla, Corps of Engineers Building, $2,800,000

Nationwide:

Chlorofluorocarbons Program, $90,035,000

Energy Program, $45,723,000

Advance Design, $19,515,000

Minor Repairs and Alterations, $257,619,000

And the Senate agree to the same.

Amendment No. 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *of which $3,400,000 shall be available for essential functional requirements for primary structural, electrical, and security systems of the Bureau of Census, New Computer Center; Provided further, That of the funds available to the General Services Administration for the U.S. Courthouse in Albany, Georgia; the Federal building consolidation in Hilo, Hawaii; the U.S. Courthouse in Covington, Kentucky; the U.S. Courthouse, London, Kentucky; the Secret Service building, Beltsville, Maryland; the U.S. Courthouse, Albuquerque, New Mexico; the U.S. Courthouse, Long Island, New York; the U.S. Courthouse, Las Vegas, Nevada; the U.S. Courthouse, Jacksonville, Florida; the U.S. Courthouse, Corpus Christi, Texas; the U.S. Courthouse, Stuebenville, Ohio; the U.S. Courthouse, Greeneville, Tennessee; the Kennedy Plaza Federal Courthouse, Providence, Rhode Island; the*

Corps of Engineers building, Walla Walla, Washington; and the construction funds only for the U.S. Courthouse, Tucson, Arizona; shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus; Provided further, That not to exceed $5,000,000 of the funds appropriated for the Food and Drug Administration consolidation may be used for necessary infrastructure improvements: Provided further, That of the $6,000,000 made available in Public Laws 102-93 and 103-123 for the acquisition, lease, construction and equipping of flexiplace work telecommuting centers, not to exceed $1,300,000 shall be available for payment to a public entity in the State of Maryland to provide facilities, equipment and other services to the General Services Administration for purposes of establishing telecommuting work centers in Southern Maryland (Waldorf, Prince Frederick, and St. Mary's County) for use by governmental agencies designated by the Administrator of General Services; and the Senate agree to the same.

Amendment No. 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$4,932,322,000*; and the Senate agree to the same.

Amendment No. 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Of the funds made available under this heading in Public Law 100-440, Public Law 101-136, Public Law 101-509, Public Law 102-141, Public Law 102-393, and Public Law 103-123, $84,120,000 are rescinded from the following projects in the following amounts:

California:

Menlo Park, U.S. Geological Survey Office and Laboratory Buildings, $783,000

District of Columbia:

United States Secret Service, Headquarters, $13,958,000

White House Remote Delivery and Vehicle Maintenance Facility, $4,918,000

Federal Bureau of Investigation, Field Office, $4,419,000

Federal Office Building No. 6, $8,583,000

Florida:

Ft. Myers, U.S. Courthouse, $654,000

Hollywood, Federal Building, $1,000,000

Lakeland, Federal Building, $4,400,000

Indiana:

Hammond, U.S. Courthouse, $2,500,000

Iowa:

Burlington, Parking Facility, $2,400,000

Maryland:

Bowie, Bureau of Census, Computer Center, $660,000

New Carrollton, Internal Revenue Service, Headquarters, $30,100,000

New Hampshire:

Concord, U.S. Courthouse, $867,000

New Jersey:

Newark, Federal Building, 20 Washington Plaza, $327,000

New Mexico:

Santa Teresa, Border Station, $4,044,000

North Dakota:

Fargo, U.S. Courthouse, $2,000,000

Tennessee:

Knoxville, U.S. Courthouse, $800,000

Texas:

Del Rio, Border Station, $1,707,000.

And the Senate agree to the same.

Amendment No. 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$130,036,000; Provided, That of the offsetting collections credited to this account, $172,000 are permanently canceled: Provided further, That no less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices*; and the Senate agree to the same.

Amendment No. 66:

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$2,250,000*; and the Senate agree to the same.

Amendment No. 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$195,238,000*; and the Senate agree to the same.

Amendment No. 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $9,000,000 to remain available until expended: Provided, That $2,000,000 shall be a grant to the Thomas P. O'Neill, Jr. Library: Provided further, That $2,000,000 shall be a grant to the Robert H. and Corinne W. Michel Congressional Education Fund.

And the Senate agree to the same.

Amendment No. 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses to carry out the John F. Kennedy Assassination Records Collection Act of 1992, $2,150,000 to remain available until expended.

And the Senate agree to the same.

Amendment No. 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$115,139,000, of which not to exceed $1,000,000 shall be made available for the establishment of health promotion and disease prevention programs for Federal employees, and in addition $93,934,000*; and the Senate agree to the same.

Amendment No. 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$34,039,000*; and the Senate agree to the same.

Amendment No. 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 527. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1995 from appropriations made available for salaries and expenses for fiscal year 1995 in this Act, shall remain available through September 30, 1996 for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds.

And the Senate agree to the same.

Amendment No. 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *528*; and the Senate agree to the same.

Amendment No. 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 529. Law Enforcement Exclusion From Workforce Restructuring.

(a) For the fiscal year beginning on October 1, 1994, no reductions pursuant to Section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226) may be made in the number of full-time equivalent employees classified as law enforcement and law enforcement support personnel in the Department of Treasury.

(b) During the period specified in subsection (a), no law, regulation, Executive Order, guidance, or other directive imposing a restriction on hiring by executive agencies for the purpose of achieving workforce reductions shall apply to employees classified as law enforcement and law enforcement support personnel in the Department of the Treasury.

(c) Section 5(f) Paragraph (3) of the Federal Workforce Restructuring Act shall not apply with respect to any instances of voluntary separation incentive payments made to Treasury law enforcement personnel.

And the Senate agree to the same.

Amendment No. 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *530*; and the Senate agree to the same.

Amendment No. 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *531*; and the Senate agree to the same.

Amendment No. 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 532. Section 1 under the subheading "General Provision" under the heading "Office of Personnel Management" under title IV of the Treasury, Postal Service and General Government Appropriations Act, 1992 (Public Law 102–141; 105 Stat. 861; 5 U.S.C. 5941 note), is amended—

(1) by striking "1995" both places it appears and inserting in lieu thereof "1996"; and

(2) by striking "adjustments" and the remainder of the sentence and inserting in lieu thereof "appropriate changes in the method of fixing compensation for affected employees, including any necessary legislative changes. Such study shall include—

"(1) an examination of the pay practices of other employers in the affected areas;

"(2) a consideration of alternative approaches to dealing with the unusual and unique circumstances of the affected areas, including modifications to the current methodology for calculating allowances to take into account all cost of living in the geographic areas of the affected employee; and

"(3) an evaluation of the likely impact of the different approaches on the Government's ability to recruit and retain a well-qualified workforce.

For the purpose of conducting such study and preparing such report, the Office may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.".

SEC. 533. (a) Facilities or buildings located at Safford, Graham County, Arizona and constructed with Federal funds made available to the General Services Administration for the United States Forest Service Administrative Offices and Cultural Center, shall be designated in honor of "Ora Webster DeConcini". Any reference to such facilities or buildings in a law, map, regulation, document, record, or other paper of the United States shall be a reference to the "Ora Webster DeConcini" building(s) or facilities".

(b) The Federal Building and United States Courthouse to be located in Tucson, Arizona is hereby designated as the "Evo A. DeConcini Federal Building and United States Courthouse". Any reference to such building in a law, map, regulation, document, record, or other paper of the United States shall be a reference to the "Evo A. DeConcini Federal Building and United States Courthouse".

SEC. 534. Notwithstanding any other provision of law, the Administrator of General Services is authorized to execute a lease, of no less than twenty years, with the City of Tucson, Arizona, or a subdivision thereof, for space to house the United States Department of Agriculture's Forest Service and other Federal tenants in an office complex to be developed by the City of Tucson on a site or sites owned by the City of Tucson and located near the intersection of Interstate Highway 10 and Congress Street in the City of Tucson, County of Pima, State of Arizona. The Administrator shall negotiate an operating lease that he deems to be in the best interests of the United States and necessary for the accommodation of Federal agencies.

SEC. 535. Notwithstanding any other provision of law or regulation: (1) the authority of the special police officers of the Bureau of Engraving and Printing, in the Washington, D.C. Metropolitan area, extends to buildings and land under the custody and control of the Bureau; to buildings and land acquired by or for the Bureau through lease, unless otherwise provided by the acquisition agency; to the streets, sidewalks and open areas immediately adjacent to the Bureau along Wallenberg Place (15th Street) and 14th Street between Independence and Main Avenues and C and D Streets between 12th and 14th Streets; to areas which include surrounding parking facilities used by Bureau employees, including the lots at 12th and C Streets, S.W., Main Avenue and Water Streets, S.W., Maiden Lane, the Tidal Basin and East Potomac Park; to the protection in transit of United States securities, plates and dies used in the production of United States securities, or other products or implements of the Bureau of Engraving and Printing which the Director of that agency so designates; (2) The exercise of police authority by Bureau officers, with the exception of the exercise of authority upon property under the custody and control of the Bureau, shall be deemed supplementary to the Federal police force with primary jurisdictional responsibility. This authority shall be in addition to any other law enforcement authority which has been provided to these officers under other provisions of law or regulations.

SEC. 536. Of the unobligated balance of funds made available until expended to the United States Mint in Public Law 103–123 and in prior appropriations acts, not to exceed $2,066,000 shall also be available in the fiscal year ending September 30, 1994 for all purposes for which funds are appropriated under the heading "United States Mint, Salaries and expenses".

SEC. 537. Of the funds appropriated to the Office of Policy Development in Title III of this Act, not to exceed $800,000 may be transferred to the "Council on Environmental Quality and Office of Environmental Quality."

SEC. 538. Notwithstanding any other provision of this Act, the Internal Revenue Service is authorized to replace no more than 850 vehicles for the criminal investigation division in fiscal year 1995.

SEC. 539. The activity referenced in section 5 of GSA's General Provisions in Public Law 103–123 (107 Stat. 1246) "Major equipment acquisitions and development activity" of the Salaries and Expenses, General Management and Administration appropriation account for transfer of prior year unobligated balances of operating expenses and salaries and expenses appropriation accounts may be separately accounted for under the new Working Capital Fund enacted in this Act.

SEC. 540. Notwithstanding any other provision of law, the review being conducted by the Secretary of the Treasury regarding the September 12, 1994 air incursion into the White House complex shall be exempt from the Federal Advisory Committee Act, Public Law 92–463 (codified at Title 5, United States Code, Appendix 2) as amended.

SEC. 541. Section 1(a)(1) of Public Law 101–509 is amended—

(a) by deleting subsection (a)(1) and inserting in lieu thereof the following:

"(a)(1) The Director of the Center for Legislative Archives within the National Archives and Records Administration shall be established without regard to chapter 51 title 5 and shall be paid at a rate determined without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 governing General Schedule classification and pay rates: Provided, That such pay shall be no less than 120 percent of the rate of pay for GS–15, step 1 of the General Schedule nor more than the rate of pay in effect for level one of the Senior Executive Schedule.

And the Senate agree to the same.

Amendment No. 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Sec. 630. (a)(1) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1995 under section 5303 of title 5, United States Code, shall be an increase of 2 percent.

(2) For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1995 in the rates of basic pay for the statutory pay systems.

(3) For purposes of this subsection, the term "statutory pay system" shall have the meaning given such term by section 5302(1) of title 5, United States Code.

(b) For purposes of any locality-based comparability payments taking effect in fiscal year 1995 under subchapter I of chapter 53 of title 5, United States Code (whether by adjustment or otherwise), section 5304(a) of such title shall be deemed to be without force or effect.

(c) Not withstanding section 5304(a)(3)(B) of title 5, United States Code, the annualized cost of pay adjustments made under section 5304 of such title in calendar year 1995 shall be equal to 0.6 percent of the estimated aggregate fiscal year 1995 executive branch civilian payroll—

(1) as determined by the pay agent (within the meaning of section 5302 of such title); and

(2) determined as if the rates of pay and comparability payments payable on September 30, 1994, had remained in effect.

And the Senate agrees to the same.

Amendment No. 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 633. LAW ENFORCEMENT AVAILABILITY PAY.

(a) SHORT TITLE.—This section may be cited as the "Law Enforcement Availability Pay Act of 1994".

(b) LAW ENFORCEMENT AVAILABILITY PAY.—

(1) IN GENERAL.—Chapter 55 of title 5, United States Code, is amended by inserting after section 5545 the following new section:

"§5545a. Availability pay for criminal investigators

"(a) For purposes of this section—

"(1) the term 'available' refers to the availability of a criminal investigator and means that an investigator shall be considered generally and reasonably accessible by the agency employing such investigator to perform unscheduled duty based on the needs of an agency;

"(2) the term 'criminal investigator' means a law enforcement officer as defined under section 5541(3) (other than an officer occupying a position under Title II of Public Law 99–399) is required to—

"(A) possess a knowledge of investigative techniques, laws of evidence, rules of criminal procedure, and precedent court decisions concerning admissibility of evidence, constitutional rights, search and seizure, and related issues;

"(B) recognize, develop, and present evidence that reconstructs events, sequences and time elements for presentation in various legal hearings and court proceedings;

"(C) demonstrate skills in applying surveillance techniques, undercover work, and advising and assisting the United States Attorney in and out of court;

"(D) demonstrate the ability to apply the full range of knowledge, skills, and abilities necessary for cases which are complex and unfold over a long period of time (as distinguished from certain other occupations that require the use of some investigative techniques in short-term situations that may end in arrest or detention);

"(E) possess knowledge of criminal laws and Federal rules of procedure which apply to cases involving crimes against the United States, including—

"(i) knowledge of the elements of a crime;

"(ii) evidence required to prove the crime;

"(iii) decisions involving arrest authority;

"(iv) methods of criminal operations;

"(v) availability of detection devices; and

"(F) possess the ability to follow leads that indicate a crime will be committed rather than initiate an investigation after a crime is committed;

"(3) the term 'unscheduled duty' means hours of duty a criminal investigator works, or is determined to be available for work, that are not—

"(A) part of the 40 hours in the basic work week of the investigator; or

"(B) overtime hours paid under section 5542; and

"(4) the term 'regular work day' means each day in the investigator's basic work week during which the investigator works at least 4 hours that are not overtime hours paid under section 5542 or hours considered part of section 5545a.

"(b) The purpose of this section is to provide premium pay to criminal investigators to ensure the availability of criminal investigators for unscheduled duty in excess of a 40 hour work week based on the needs of the employing agency.

"(c) Each criminal investigator shall be paid availability pay as provided under this section. Availability pay shall be paid to ensure the availability of the investigator for unscheduled duty. The investigator is generally responsible for recognizing, without supervision, circumstances which require the investigator to be on duty or be available for unscheduled duty based on the needs of the agency. Availability pay provided to a criminal investigator for such unscheduled duty shall be paid instead of premium pay provided by other provisions of this subchapter, except premium pay for regulatory scheduled overtime work as provided under section 5542, night duty, Sunday duty, and holiday duty.

"(d)(1) A criminal investigator shall be paid availability pay, if the average of hours described under paragraphs (2) (A) and (B) is equal to or greater than 2 hours.

"(2) The hours referred to under paragraph (1) are—

"(A) the annual average of unscheduled duty hours worked by the investigator in excess of each regular work day; and

"(B) the annual average of unscheduled duty hours such investigator is available to work on each regular work day upon request of the employing agency.

"(3) Unscheduled duty hours which are worked by an investigator on days that are not regular work days shall be considered in the calculation of the annual average of unscheduled duty hours worked or available for purposes of certification.

"(4) An investigator shall be considered to be available when the investigator cannot reasonably and generally be accessible due to a status or assignment which is the result of an agency direction, order, or approval as provided under subsection (f)(1).

"(e)(1) Each criminal investigator receiving availability pay under this section and the appropriate supervisory officer, to be designated by the head of the agency, shall make an annual certification to the head of the agency that the investigator has met, and is expected to meet, the requirements of subsection (d). The head of a law enforcement agency may prescribe regulations necessary to administer this subsection.

"(2) Involuntary reduction in pay resulting from a denial of certification under paragraph (1) shall be a reduction in pay for purposes of section 7512(4) of this title.

"(f)(1) A criminal investigator who is eligible for availability pay shall receive such pay during any period such investigator is—

"(A) attending agency sanctioned training;

"(B) on agency approved sick leave or annual leave;

"(C) on agency ordered travel status; or

"(D) on excused absence with pay for relocation purposes.

"(2) Notwithstanding (1)(A), agencies or departments may provide availability pay to investigators during training which is considered initial, basic training usually provided in the first year of service.

"(3) Agencies or departments may provide availability pay to investigators when on excused absence with pay, except as provided in paragraph (1)(D).

"(g) Section 5545(c) shall not apply to any criminal investigator who is paid availability pay under this section.

"(h) Availability pay under this section shall be—

"(1) 25 percent of the rate of basic pay for the position; and

"(2) treated as part of basic pay for purposes of—

"(A) sections 5595(c), 8114(e), 8331(3), 8431, and 8704(c); and

"(B) such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe.".

(2) LIMITATION ON PREMIUM PAY.—Section 5547(a) of title 5, United States Code, is amended in the first sentence by inserting "5545a," after "5545(a), (b), and (c),".

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5545 the following new item:

"5545. Availability Pay for Criminal Investigators.".

(c) COMPUTATION OF OVERTIME RATES.—Section 5542 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) In applying subsection (a) of this section with respect to any criminal investigator who is paid availability pay under section 5545a—

"(1) such investigator shall be compensated under such subsection (a), at the rates there provided, for overtime work which is scheduled in advance of the administrative workweek—

"(A) in excess of 10 hours on a day during such investigator's basic 40 hour workweek; or

"(B) on a day outside such investigator's basic 40 hour workweek; and

"(2) such investigator shall be compensated for all other overtime work under section 5545a".

"(d) EXEMPTIONS FROM CERTAIN FAIR LABOR STANDARDS.—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended—

(1) in subsection (a)—

(A) in paragraph (15) by striking out the period and inserting in lieu thereof a semicolon and "or"; and

(B) by adding at the end thereof the following new paragraph:

"(16) a criminal investigator who is paid availability pay under section 5545a of title 5, United States Code."; and

(2) in subsection (b)—

(A) in paragraph (28) by striking out "or" after the semicolon;

(B) in paragraph (29) by striking out the period and inserting in lieu thereof a semicolon and "or"; and

(C) by adding at the end thereof the following new paragraph:

(30) a criminal investigator who is paid availability pay under section 5545a of title 5, United States Code.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after the later of October 1, 1994, or the 30th day following the date of enactment of this Act, Except that—

(1) criminal investigators, employed in Offices of Inspectors General, who are not receiving administratively uncontrollable overtime compensation or who are receiving such premium pay at a rate less than 25 percent prior to the date of enactment of this Act, may implement availability pay at any time prior to September 30, 1995, after which date availability pay as authorized under this section shall be provided to such criminal investigators.

(2) criminal investigators, employed by Offices of Inspectors General, who are receiving administratively uncontrollable overtime at a rate less than 25 percent, shall continue to receive this compensation at the same rate or higher until availability pay compensation is provided, which shall be no later than the last period ending on or before September 30, 1995.

(f) Not later than the effective date of this section, each criminal investigator under section 5545a of title 5, United States Code, as added by this section, and the appropriate supervisory officer, to be designated by the head of the agency, shall make an initial certification to the head of the agency that the criminal investigator is expected to meet the requirements of subsection (d) of such section 5545a. The head of a law enforcement agency may prescribe procedures necessary to administer this paragraph.

And the Senate agree to the same.

Amendment No. 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *634*; and the Senate agree to the same.

Amendment No. 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *635*; and the Senate agree to the same.

Amendment No. 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

Sec. 636. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: Provided, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designee(s), persons providing assistance to the President for official purposes, or other individuals so designated by the President.

And the Senate agree to the same.

Amendment No. 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *637*; and the Senate agree to the same.

Amendment No. 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows:

In lieu of the section number named in said amendment, insert: *638*; and the Senate agree to the same.

Amendment No. 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 639. Section 3626, paragraph (j)(1), subparagraph (D), of Title 39, United States Code is amended by—

(a) deleting the final "." from (II) and adding, "; and";

(b) an adding "(III) clause (i) shall not apply to space advertising in mail matter that otherwise qualifies for rates under former section 4452(b) or 4452(c) of this title, and satisfies the content requirements established by the Postal Service for periodical publications: Provided, That such changes in law shall take effect immediately and shall stay in effect hereafter unless the Congress enacts legislation on this matter prior to October 1, 1995.

SEC. 640. In the administration of section 3702 of title 31, United States Code, the Comptroller General of the United States shall apply a 6-year statute of limitations to any claim of a Federal employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) for claims filed before June 30, 1994.

SEC. 641. The Bureau of the Public Debt is authorized to pay in advance or reimburse any Treasury organization, an amount not to exceed one year of salary and benefits for each Public Debt employee hired by that organization described in section 521(a) of this Act.

SEC. 642. Chapter 63 of Title 5 of the United States Code is amended by adding, following the word "Forces" in section 6326, a new section, 6327 to read as follows:

"6327. Absence in connection with funerals of fellow federal law enforcement officers."

"A federal law enforcement officer or a Federal firefighter may be excused from duty without loss of, or reduction in, pay or leave to which such officer is otherwise entitled, or credit for time or service, or performance or efficiency rating, to attend the funeral of a fellow Federal law enforcement officer or Federal firefighter, who was killed in the line of duty. When so excused from duty, attendance at such service shall for the purposes of section 1345(a) of title 31, be considered to be an official duty of the officer or firefighter."

SEC. 643. Of the amount appropriated for "Government Payment for Annuitants, Employee Life Insurance" under this Act, such sums as may be necessary for such payments for the period September 15 through 30, 1994 shall become available upon enactment of this Act.

And the Senate agree to the same.

Amendment No. 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 644. (a) The Office of Management and Budget shall report to the Congress no later than November 1, 1994, for each agency for which the budgetary resources available to the agency in fiscal year 1995 would be canceled in an appropriations Act to achieve savings in procurement and procurement-related expenses, of the manner in which these savings are to be achieved.

(b) Notwithstanding any other provision of law, each agency for which the budgetary resources available to the agency in fiscal year 1995 would be canceled in an appropriations Act to achieve savings in procurement and procurement-related expenses, such cancellation shall occur on November 30, 1994, or 30 days after the Office of Management and Budget submits the report required by subsection (a) of this section, whichever date is earlier.

And the Senate agree to the same.

Amendment No. 103:

In lieu of the matter proposed by said amendment, insert:

TITLE VII—VIOLENT CRIME CONTROL AND LAW ENFORCEMENT FUNDING

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Office of Enforcement to oversee the implementation of the Violent Crime Control and Law Enforcement Act of 1994 as it relates to the jurisdiction of the Department of the Treasury, $2,400,000, to remain available until expended, to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For salaries and expenses to implement the gateway network and other related financial intelligence and enforcement activities, $2,700,000, to remain available until expended to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For salaries and expenses for enforcing Federal firearms provisions and Public Law 103-159, $7,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

GANG RESISTANCE EDUCATION AND TRAINING

For grants to communities and police agencies for the establishment of gang resistance education and training programs to be designated by the Director of the Bureau of Alcohol, Tobacco and Firearms, $9,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For salaries and expenses for expanding border and port enforcement activities, $4,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

INTERNAL REVENUE SERVICE

TAX LAW ENFORCEMENT

For tax law enforcement for combatting public corruption and enhancing illegal tax enforcement activities, $7,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For salaries and expenses $6,600,000, of which $5,000,000 shall be available for combatting the counterfeiting of United States currency, and of which $1,600,000, to remain available until expended, shall be available for the hiring, training, and equipping of 18 additional full-time equivalent positions for improving forensic capabilities which will assist in the investigations of missing and exploited children to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

And the Senate agree to the same.

STENY H. HOYER,
PETER J. VISCLOSKY,
GEORGE (BUDDY) DARDEN,
JOHN W. OLVER,
TOM BEVILL,
MARTIN OLAV SABO,
DAVID R. OBEY,
JIM LIGHTFOOT (except amendment 29),
JOSEPH M. MCDADE (except amendment 53),

Managers on the Part of the House.

DENNIS DECONCINI,
BARBARA A. MIKULSKI,
J. ROBERT KERREY,
ROBERT C. BYRD,
CHRISTOPHER S. BOND,
ALFONSE M. D'AMATO,
MARK O. HATFIELD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President and funds appropriated to the President, and certain independent agencies for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Treasury, Postal Service, and General Government Appropriations Act, 1995, incorporates some of the language and allocations set forth in House Report 103-534 and Senate Report 103-286. The language in these reports should be complied with unless specifically addressed in the accompanying statement of the managers.

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds $500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under $20,000,000, this threshold shall be $100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that is was formally transmitted. The conferees expect that such delays will not recur in the future.

Amendment No. 1. Earmarks not to exceed $2,900,000 for official travel expenses; $3,101,000 for information technology modernization requirements; $6,443,000 and 85 full-time equivalent positions for enforcement activities; and $150,000 for official reception and representation expenses. The

conferees have provided $3,040,000 to support not to exceed 46 full-time equivalent positions for the Office of Foreign Assets Control in fiscal year 1995.

Amendment No. 2. Appropriates $104,479,000, instead of $104,400,000 as proposed by the Senate, and $105,150,000 as proposed by the House. Also restores House language canceling $79,000 in offsetting collections. Of the funds provided, the conferees have provided an additional $1,000,000 for the Office of Enforcement and up to 13 additional FTEs

ELECTRIC RESOURCES FINANCED BY PUBLIC ENTITIES

The House included language which requested the Secretary of the Treasury to provide a report on the need for a revised procedure and methodology to implement Section 9(f) of Public Law 96-501. The conferees understand that several concerns have been raised with respect to the existing procedure under Section 9(f).

First, the conferees understand that the rulings issued by the Internal Revenue Service have not ordinarily been issued within 60 days, as called for under the existing procedure. Second, the conferees understand that the existing procedure does not reflect subsequent changes in federal tax law. Third, one of Congress' stated purposes for the enactment of Section 9(f) was to enable Bonneville Power Association (BPA) to acquire resources necessary to meet the firm load of public bodies at a cost no greater than in the absence of acquisition by BPA. The conferees understand that the existing procedure may not treat electric resources financed by public entities and acquired by BPA for use in meeting public entities' loads in the same manner as if the public entities were to use those resources directly to meet their own loads and, therefore, may be inconsistent with the stated Congressional intent.

The conferees expect that the report required by the House will address each of these concerns. Further, to the extent that the Secretary's report indicates that these concerns are valid, the conferees expect that the report will include the Secretary's recommendations on the appropriateness of changes to the existing methodology and the time and manner in which such changes would be implemented.

ELECTRONIC FUNDS TRANSFER

The conferees agree with the House report language which requires the Secretary to submit with fiscal year 1996 budget request, a report on the proposed regulations and legislation to effect the direction that all recurring Federal payments be paid by electronic funds transfer.

EXEMPTION FROM THE FEDERAL ADVISORY COMMITTEE ACT

The Secretary of the Treasury has directed a thorough review into the recent air intrusion into the White House complex. This review is to be completed in 90 days of the incident. The review will require access to classified and highly sensitive information and will involve highly classified discussions with experts, senior Secret Service officials, and other interested parties. Compliance with the provisions of the Federal Advisory Committee Act could delay or interfere with the expeditious consideration of this matter. Therefore, the conferees have included a provision in the Act which exempts this review from the Federal Advisory Committee Act (Public Law 92-463).

TREASURY PERSONNEL IN OVERSEAS LOCATIONS

The conferees are aware that the Department of the Treasury has not fully paid its current bills under the Foreign Affairs Administrative System for Treasury personnel located overseas. The conferees also note that the Department of State has not allowed an increase in the number of Treasury personnel located overseas, despite the July 11, 1994, letter from the State Department. That letter indicated that concerns increasing overseas Treasury Department staffing to improve anti-counterfeiting efforts would be considered by the State Department in making decisions on overseas staffing requirements.

The conferees agree that the Treasury Department should meet its obligations under the Foreign Affairs Administrative System and expects Treasury to fulfill this obligation after the State Department agrees to assign additional Treasury personnel to overseas locations for expanding anti-counterfeiting investigations.

ELECTRONIC FILING TAX FRAUD TASK FORCE

The conferees agree with the House report language which requires a report which addresses the problem of electronic tax filing fraud. This report shall be submitted to the House and Senate Committees on Appropriations when it is complete.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

Agreement No. 3. Appropriates $29,700,000 instead of $28,897,000 as proposed by the House and $30,497,000 as proposed by the Senate.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

Amendment No. 4. Appropriates $19,823,000 instead of $18,280,000 as proposed by the House and $20,690,000 as proposed by the Senate. Also, cancels $1,000 in offsetting collections. The conferees concur in the reorganization transferring funding and FTEs from Departmental Offices to FinCEN for the functions of the Office of Financial Enforcement.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

Amendment No. 5. Makes available $7,000 for official reception and representation expenses as proposed by the Senate instead of $9,000 as proposed by the House.

Amendment No. 6. Deletes Senate language relating to the reimbursement of training expenses for Postal Police.

Amendment No. 7. Inserts Senate language authorizing the use of funds for first-aid and emergency medical services.

Amendment No. 8. Appropriates $46,713,000 as proposed by the House instead of $47,114,000 as proposed by the Senate.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

Amendment No. 9. Appropriates $16,815,000 for acquisition, construction, improvements and related expenses as proposed by the Senate instead of $9,815,000 as proposed by the House. Of this amount, $7,600,000, shall be available for the following construction projects at the Tucson, Arizona satellite facility: $5,000,000 for a 150-room dormitory; $2,100,000 for a dining hall; and $500,000 for firearms ranges. The conferees instruct the Center to request funding in fiscal year 1996 to cover the remaining costs of permanent facility improvements at the Tucson Center. The remaining funds, $2,400,000 shall be available for the design, acquisition and preparation of a facility dedicated to periodic firearms requalification and training in advanced firing techniques and explosives.

The conferees direct the Center to provide all training for the Gang Resistance Education and Training (GREAT) program through the satellite facility located at Davis-Mountain Air Force Base, Tucson, Arizona.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

Amendment No. 10. Appropriates $183,889,000 instead of $185,389,000 as proposed by the House and $183,697,000 as proposed by the Senate.

COMBO PRINTER

The reduction to the Federal Management Service (FMS), should to the extent possible, not be applied to the COMBO Printer initiative. The current Troy check printers have been in use at FMS since 1984 and have already surpassed their anticipated eight-year system life. The COMBO Printer initiative is to begin the development of a printer replacement plan. The conferees are supportive of the need to replace printers, with the understanding that it should be a lower priority than the electronic funds transfer initiative, and the understanding that there will be a decrease in the number of printers needed by FMS.

Amendment No. 11. Restores House language canceling $192,000 in offsetting collections.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

Amendment No. 12. Appropriates $385,315,000 as proposed by the Senate instead of $376,181,000 as proposed by the House. Included in this amount is $5,000,000 for the 6 GREAT projects initiated in fiscal year 1994, $1,400,000 to restore the 22 full-time equivalent positions which were due to be eliminated under the President's Executive Order, and $2,700,000 to fund the Administration's request for systems modernization. The $3,100,000 in funding for ballistics technology as proposed by the House is funded through the Special Forfeiture Fund. Conferees expect the Bureau to add two agents to the Des Moines, Iowa post as proposed by the House within the amounts provided.

EQUAL EMPLOYMENT OPPORTUNITY

The House report directed the Bureau to change the title for the senior manager responsible for equal employment opportunity from "Executive Assistant to the Director (Equal Employment Opportunity)" to "Assistant Director for Equal Employment Opportunity". The conferees agree that the official title for such a position be left to the discretion of the ATF Director.

Amendment No. 13. Restores House language canceling $4,000 in offsetting collections and includes language as proposed by the Senate establishing a FTE floor of 4,215.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

Amendment No. 14. Appropriates $1,394,793,000 instead of $1,391,700,000 as proposed by the House and $1,378,914,000 as proposed by the Senate. Included in this amount is funding for the following: $18,000,000 for NAFTA implementation; $10,000,000 for the Center for Study of Western Hemispheric Trade; $2,310,000 for the restoration of 35 marine enforcement officers; $2,000,000 for the restoration of 25 air program positions to support the Department of Defense JTF-4 operations in Key West, Florida; $780,000 to support 10 additional pilot and crew positions at the Corpus Christi Surveillance Support Center; $500,000 for a border barrier in Nogales, Arizona; $2,100,000 for 30 inspectors

in El Paso; $15,000,000 for phase I of the automated commercial systems redesign and $5,503,000 to restore 110 full-time equivalent positions proposed for elimination under the President's Executive Order. Savings of $2,641,000 resulting from exemption of the Fair Labor Standards Act shall be applied to the allocations made above.

ENFORCEMENT OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

The conferees strongly support the activities currently underway to enforce the Serbian Sanctions Assistance Missions (SAMS), including those being carried out by U.S. Customs Service inspectors. However, the conferees continue to be concerned about the costs incurred by the Customs Service for activities which were not budgeted and for which Customs has no specific legal authority. In fiscal year 1993, the Senate Committee expressed its concerns about the use of Customs funds for SAMS teams and directed the Department to seek appropriate reimbursement from the Department of State. Based on this directive, the Department of State reimbursed Customs for $3,575,000 of its travel and per diem costs for 27 inspectors engaged in SAMS. In addition, the President requested, and was provided by the Congress, $17 million in the Department of State's peacekeeping operations budget for fiscal year 1995 to cover the costs of the SAMS. No funds were requested and none have been provided in the Customs Service 1995 budget. Therefore, the conferees, while strongly supporting the use of Customs inspectors in the SAMS efforts, instruct Customs to participate in these activities commensurate with its reimbursement from the Department of State. The conferees direct the Office of Management and Budget to insure that the Customs Service be reimbursed for travel and per diem expenses associated with the SAMS missions.

The conferees note that the Administration failed to make clear how Customs inspectors participating in sanctions assistance missions would be funded in the fiscal year 1995 budget request. The conferees therefore direct the Administration to present a clear and identifiable request for such items in a single account in the FY 1996 budget.

UNIFIED PORT MANAGEMENT PILOT PROJECT

Numerous studies conducted on border management have consistently found that the lack of coordination between Federal inspection agencies at the ports of entry have contributed to a slowdown in the processing of persons and commerce. Most recently, an assessment of United States-Mexico border ports of entry under section 6015 of the Intermodal Surface Transportation Act of 1991 found that the most pressing institutional border issue was a lack of a comprehensive Federal approach to border management, which contributes to an increase in the overall costs of transportation and distribution of goods. The conferees believe these problems must be resolved in order to accommodate and facilitate increased trade between Mexico and the United States and to achieve a more efficient and "user-friendly" border environment. For this reason, the conferees instruct the U.S. Customs Service to undertake a unified binational border port management pilot project to design and test a model of unified border port management in the Nogales Customs District.

The pilot project should establish a single inspection procedure that satisfies the needs of all agencies currently operating at the border and should be undertaken in cooperation with the State of Arizona. This pilot should address the following: coordinated management of border port facilities among various Federal and state agencies; coordinated operation of border facilities between U.S. and Mexico agencies; harmonized binational regulations and crossing procedures; application of technologies to expedite vehicular and commercial processing; binational planning of port facilities and transportation systems; and coordinated planning and operation of border facilities between Federal, state and local governments. The conferees instruct the Commissioner of Customs to provide a report to the House and Senate Committees on Appropriations by no later than March 1, 1995 on the progress being made in this regard.

CUSTOMS STAFFING

With the staff reassigned as part of the planned reorganization, the conferees direct Customs to provide additional inspectors to El Paso, Hidalgo Pharr International Bridge, the Miami International Airport, and the Atlanta International Airport to cover the expected workloads.

PREMIUM PAY

The conferees note that individuals receiving premium pay for overtime or holiday work, such as Customs inspectors, who call in sick, often receive that premium pay, despite the fact that they did not work. The conferees direct the General Accounting Office to examine this issue and report back to the Committees on Appropriations by March 1, 1995. This report shall not apply to availability pay, established under section 634 of this Act.

CUSTOMS FINANCIAL MANAGEMENT

The General Accounting Office, in a report released June 30, 1993, declined to express an opinion on Customs' FY 1992 Financial Statements "because of the lack of reliable financial information, inadequate financial systems and processes, and its ineffective internal control structure". GAO found several major weaknesses:

Accounts receivable may have excluded entries and failed to consider debtor's ability to pay in estimating collections.

Seized property records did not include some property, showed incorrect locations, and included some erroneous values.

Internal controls could not assure that the proper duties were assessed importers or that claimants received proper refunds ("drawbacks").

Budget records did not include documentation linking charges for interagency agreements to actual costs.

Accounting staff did not routinely review and revise estimates of unliquidated obligations, resulting in difficulty reconciling obligations and expenditures at the end of the fiscal year.

Customs has begun responding to these criticisms. Revenue estimates should substantially improve as Customs improves its random inspection processes, enhances selectivity and improves information management systems. The conferees have provided an additional $1,377,000 and 12 FTE to produce auditable financial statements. The conferees direct Customs to provide a report on its financial improvement plans with the fiscal year 1996 budget submission.

Amendment No. 15. Restores the House allocation of $10,000,000 for the Center for Study of Western Hemispheric Trade and House language cancelling $410,000 in offsetting collections.

Amendment No. 16. Inserts Senate language authorizing an FTE floor of 17,524 and making available $500,000 for the construction of a border fence in Nogales, Arizona. Deletes Senate language relating to certain Customs fees.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

Amendment No. 17. Appropriates $89,041,000 instead of $78,991,000 as proposed by the House and $91,891,000 as proposed by the Senate. This amount shall be enhanced by $10,698,000 in unobligated balances remaining in the account including $3,100,000 set aside for the ASARS program. The additional funds provided shall be used for the following: $3,000,000 for operations and maintenance activities associated with the Blackhawk apprehension and support program; $850,000 for marine interdiction operations and maintenance activities; $3,700,000 for Citation training in Mexico and other host countries; and $1,500,000 to support the continued operations of C3I-East through December 1994.

Amendment No. 18. Inserts Senate language prohibiting the transfer of aircraft outside the Department of the Treasury. The term "transfer", as used here, includes sales and long term loans.

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

Amendment No. 19. Appropriates $1,000,000 as proposed by the Senate. These funds shall be used to construct a hangar at the Customs Air Branch in Puerto Rico.

UNITED STATES MINT

SALARIES AND EXPENSES

Amendment No. 20. Appropriates $55,740,000 as proposed by the Senate instead of $54,770,000 as proposed by the House.

MINT ZINC PURCHASES

The conferees have learned that the Mint has been purchasing zinc for coin production from international sources when domestic stocks may be available at a lower cost. The conferees note that current Mint policy allows the Mint to purchase only "special high grade" zinc for production. The conferees do not wish to address issues relating to the quality of the material necessary for coinage. However, the conferees express their concern that the domestic industry is being harmed when domestic products are available yet coins are being produced with foreign zinc. It is the conclusion of the conference that if the grade of domestic zinc is available at a competitive price it should be used. The conferees direct the Mint to review current activities and report back to the House and Senate Committees on Appropriations within 60 days of the date of enactment of this Act, as to the actions it has taken as well as future plans with regard to the purchase of zinc.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

Amendment No. 21. Appropriates $225,632,000 for administration and management instead of $163,431,000 as proposed by the Senate. The conferees support the restructuring of certain activities from the processing tax returns activities as proposed by the Administration and have reinstated the funds requested for this purpose. However, the conferees have denied funding for the requested workload increase of $825,000 and 6 FTEs.

PRIVACY OF TAXPAYER RECORDS

The conferees are very concerned about the recent revelations of the extent of employee violations of privacy standards uncovered by the Internal Revenue Service (IRS). Internal

audits conducted by the IRS indicate that there has been a serious problem of certain employees reviewing taxpayer information which is beyond the scope of their job responsibilities. The IRS has reported that some of these cases went beyond curiosity and involved perusing tax information for fraudulent reasons. This activity could seriously jeopardize the full and fair tax filing of honest citizens who believe the principle of trust has been violated.

The conferees agree that the Tax Systems Modernization (TSM) program will provide state of the art security and privacy protection for the taxpayers. However, the conferees note that the reductions made to the TSM program by Congress for fiscal year 1995 are the first budgetary reductions made to this program since its inception. Nonetheless, TSM is a computer system and the violations of taxpayer privacy identified by IRS are behavioral in nature, not technical. Furthermore, TSM will not be fully implemented for at least another six years. Taxpayers should not be subject to invasion of their privacy for another six years while awaiting a new computer system.

The IRS is directed to provide quarterly reports on its efforts to identify and correct invasions of taxpayer privacy by unauthorized employees.

FEES FOR COPIES OF TAX RETURNS

The conferees are concerned about the IRS proposal to increase fees for providing taxpayers with copies of their tax returns. The conferees believe that taxpayers who have been the victims of natural disasters or other incidents beyond their control may be adversely impacted by increases in return copying fees. Therefore, the conferees direct IRS to institute a policy which would permit the Service to waive such fees if a taxpayer has been the victim of a natural disaster or other event which may have adversely impacted economic conditions in their community. The IRS shall report on the status of implementation of this policy by no later than January 1, 1995. Such report shall include a description of taxpayers who will qualify for such waiver and the procedure IRS will employ to notify eligible taxpayers.

FLEXIBILITY IN IRS APPROPRIATIONS

The conferees agree that Internal Revenue Service (IRS) and the Office of Management and Budget (OMB) should explore options available for providing more flexibility to execute tax enforcement initiatives through changing the current budget structure. The IRS currently has four different appropriations which fund the four major missions of IRS. It may be more advantageous to combine some of these appropriations.

IRS RULING ON TAXING OF "HARPER" REFUNDS

The Commonwealth of Virginia has recently settled its legal dispute over the taxation of Federal retirement benefits. This settlement includes the repayment of a portion of the taxes paid by retirees to the Commonwealth. While the IRS has not yet ruled on any plan to assess Federal tax liability on the repayment, there is concern that such a ruling may severely impact the affected retirees.

Therefore, the conferees agree that before IRS makes a final decision on its ruling for assessing a Federal tax liability on the settlement, it submit such a plan to the appropriate Congressional committees.

PROCESSING TAX RETURNS

Amendment No. 22. Appropriates $1,511,266,000 instead of $1,616,295,000 as proposed by the House and $1,586,028,000 as proposed by the Senate for processing tax returns and assistance. The conferees have denied the requested increase of $12,842,000 and 345 FTEs for service center workload increases. Provides $3,700,000 for Tax Counseling for the Elderly as proposed by the Senate instead of $3,500,000 as proposed by the House.

TAX LAW ENFORCEMENT

Amendment No. 23. Appropriates $4,385,459,000 for tax law enforcement instead of $4,358,180,000 as proposed by the Senate and $4,412,580,000 as proposed by the House.

Amendment No. 24. Inserts Senate language allocating certain funds for the 1995 tax compliance initiative and prohibiting the transfer of funds from this account. Deletes Senate language from the bill allocating $442,148,000 and 5,002 full-time equivalent positions for tax fraud investigations. The conferees note, however, that they expect IRS to achieve these minimum levels for tax fraud investigations.

ENFORCEMENT OF EMPLOYMENT TAX LAWS

The conferees agree with the House report language which directs that the Internal Revenue Service (IRS) hire and train additional examiners to enforce classification rules in the construction industry. The IRS is to report to the House and Senate Committees on Appropriations by March 1, 1995 on this direction.

GASOLINE TAX REFUNDS

The House included language in its report expressing concern over the effect certain law changes had on gasoline tax refunds. The House stated that there should be no extensive delays in processing gasoline refunds and directed quarterly reports on the length of time taken by IRS to process claims for these refunds.

The Senate included language in its report stating that the diesel refund schedule of 20 days is an appropriate target for gasoline refunds as well. The Senate directed IRS to keep it advised of progress in meeting the 20-day goal for gasoline refunds.

The conferees agree that IRS does not appear to be applying the same refund goals for diesel and gasoline refunds. Therefore, the conferees direct IRS to ensure adequate staffing and management support to meet the 20-day goal. The IRS should advise the House and Senate Committees on Appropriations on its progress in meeting this goal.

TAX COMPLIANCE INITIATIVE

The conferees have provided $426,300,000 and 5,078 FTEs for a variety of enhanced compliance initiatives designed to collect taxes owned the U.S. Government. Of this amount, $405,000,000 shall not be utilized by the Service for any purpose than for carrying out the compliance initiatives as outlined by the Department of the Treasury.

The conferees agree with the Senate position on the hiring of 1,192 additional revenue officers. According to the General Accounting Office (GAO), collections could be better achieved through the use of less expensive call site collectors. Therefore, the conferees agree that the $87,908,000 associated with hiring additional revenue officers is denied and instead instructs the IRS to redeploy these funds into the hiring of additional call site collectors.

Furthermore, the IRS is required to fulfill the reporting requirements set forth in both the House and Senate reports concerning the monitoring of this initiative.

INFORMATION SYSTEMS

Amendment No. 25. Appropriates $1,388,000,000 as proposed by the Senate instead of $1,240,357,000 as proposed by the House, allocates $650,000,000 for tax systems modernization, and authorizes $185,000,000 to remain available until September 30, 1997, for tax and information systems development.

UPGRADING OF IRS COMPUTING CENTER, MARTINSBURG, WEST VIRGINIA

The conferees agree with the Senate report language which requires Internal Revenue Service (IRS), in cooperation with the General Services Administration (GSA), to submit a plan, by March 1, 1995, for upgrading facilities and equipment at the Martinsburg facility. This plan should be submitted to the House and Senate Committees on Appropriations.

TAX SYSTEMS MODERNIZATION

The conferees have agreed to provide a total of $1,388,000,000 for IRS Information Systems, of which $650,000,000 is available for tax systems modernization (TSM). The conferees have not agreed with the Senate proposal to allow the amounts collected by the Customs Service Merchandise Processing fee to be credited to the IRS for TSM. Despite this reduction from the TSM program, the conferees remain dedicated to ensuring that TSM is implemented to protect the confidence of American taxpayers in the concept of voluntary compliance as a means of financing government operations. Additionally, it is not the intent of the conferees that this reduction should be disproportionately applied to contractual efforts. The current effort expended by the contracted groups is to support the TSM Program Manager and should therefore, to the extent possible, be exempt from reductions.

There remain a number of concerns about TSM which both the House and Senate have addressed. In its report, the House required a variety of actions be taken by IRS to enforce management control over the TSM program. The conferees are pleased to see that swift action on the part of IRS to implement the most important of these requirements: the establishment of a Program Manager for TSM. The Program Manager must receive the necessary support from all levels within the IRS to ensure the success of TSM.

There are additional requirements which were addressed by the House which IRS will be unable to comply with by the stated deadline due to the complexity of the information required by the House. A delay in providing these reports is approved by the conferees with the understanding that IRS will comply with all the requirements no later than March 1, 1995, with the exception of the costing methodology which may be submitted no later than September 1, 1995.

The conferees are strongly supportive of the goals of TSM and agree that the IRS should work toward implementation at the earliest possible date. However, the conferees caution IRS not to proceed at a pace which jeopardizes the success of the program. The successful implementation of a new tax processing system is far more important than meeting a timetable which was established long before the complexity of TSM was fully known. Additionally, while IRS should monitor each project within the TSM program, it is important to keep in mind that TSM is a program made up of a number of big and small projects which must work together to produce the overall system to support the IRS mission.

FUTURE FUNDING OPTIONS FOR TAX SYSTEMS MODERNIZATION

The conferees are concerned about the need to establish a steady funding level for TSM for future requirements. The conferees

believe that there are various options which the Office of Management and Budget could pursue toward this end. For example, the conferees believe that some aspects of the TSM program such as the procurement of hardware and software could be put into a separate procurement account similar to the method used for Department of Defense procurement requirements.

Therefore, the conferees direct the Internal Revenue Service to work with the Office of Management and Budget to develop a comprehensive plan to fund the TSM program. The plan should address the total requirement and the budgeting techniques which could be used to ensure full funding of the requirement. This plan should be submitted with the fiscal year 1996 budget request

Amendment No. 26. Deletes language proposed by the Senate which would have increased the amount appropriated for Information Systems if the Customs Service Merchandise Processing Fee increase were authorized.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

Amendment No. 27. Inserts Senate language requiring advance approval of transfers of funds from the four IRS operating accounts.

Amendment No. 28. Inserts modified Senate language concerning transfers of funds from the "Tax Law Enforcement" account in fiscal year 1995.

Amendment No. 29. Modifies a provision proposed by the Senate which permits the Secretary of the Treasury to use the receipts from fees for services, not to exceed $119,000,000, where such fees are authorized by another law, for supplementing IRS operating accounts for the actual cost of services.

USER FEES

The conferees have agreed to language proposed by the Sneate which permits the Secretary of the Treasury to impose fees or change the amount of existing fees which are already authorized by law. The conferees have also included language requiring that any fees imposed be based on the actual cost of providing the service which is being performed.

The fees must be assessed and collected solely to cover the costs of providing the services and activities for which the fees are being charged. Furthermore, the General Accounting Office (GAO) is directed to audit both the methodology used by the IRS to develop the fee structure and the fee structure itself to insure that the fees being charged reflect actual costs incurred. The GAO shall provide its report to the House and Senate Committees on Appropriations no later than January 15, 1995.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

Amendment No. 30. Appropriates $476,931,000 for salaries and expenses as proposed by the House instead of $474,988,000 as proposed by the Senate. Also includes language as proposed by the House canceling offsetting collections totaling $43,000. Included in the appropriated amount is an additional $4,914,000 for the restoration of 71 positions proposed for elimination in the President's Executive Order; and $1,943,000 for additional agent positions to enhance counterfeiting investigations overseas.

ENTITLEMENT FRAUD

The conferees agree with the Senate report language that entitlement fraud has become a significant problem both domestically and internationally. The conferees strongly endorse the initiatives taken by the Secret Service in working with other government agencies to correct problems related to entitlement fraud. The conferees direct the Service to advise the House and Senate Committees on Appropriations on its progress and any actions which might be necessary to assist in this effort.

BUREAU OF ENGRAVING AND PRINTING

REVIEW OF SECURITY AND MANAGEMENT CONTROLS

The conferees understand that the Secretary of the Treasury has formed a Departmental Task Force to review security and management control systems at the Bureau of Engraving and Printing (BEP). The conferees are encouraged by the formation of this group but believe that an independent team would be appropriate to review any security deficiencies at the BEP which led to the recent theft of currency. The conferees believe that an independent investigation would also ensure a cost effective approach to any enhancement in security.

The conferees believe that management and security issues have not been interwoven into decisions at BEP because the Management Directorate and its Office of Security have not received adequate attention. The independent investigation should review the organizational structure of BEP management to ensure the most appropriate location for the Management Directorate and its Office of Security as well as the qualifications required for individuals to head the Office of Security.

Additionally, the conferees are concerned that "off line" currency production did not receive proper management oversight. The "test" currency recently stolen from BEP, was not destroyed in a timely manner and was not incorporated into the management information system so that it could be monitored. Furthermore, management oversight appears to have been lax in the assignment of duplicate serial numbers to this particular currency. These issues must be investigated and procedures implemented to correct deficiencies in management oversight.

The conferees expect the Department of Treasury to report back within 30 days of enactment of this Act on the steps being taken to address these matters.

RATIO OF SUPERVISORS TO POLICE OFFICERS

The conferees are concerned about the ratio of supervisors to police officers at the Bureau of Engraving and Printing (BEP), which according to information provided to the conferees, may be as high as one supervisor to two police officers. The conferees agree that BEP could address its shortfall of police officers by reducing the number of supervisors and adopting a ratio which more closely reflects the need for additional security.

EXPANSION OF CURRENT POLICE AUTHORITY FOR SECURITY

The conferees have included a provision (Sec. 535) which provides clarification and extends the authority delegated from the Secretary of the Treasury and the Administrator of General Services to meet the security needs of the Bureau of Engraving and Printing (BEP).

The conferees agree that this extension is necessary to protect the product, property, and the personnel of the BEP. The current authority does not permit the BEP police officers to provide adequate protection for personnel during the extended hours of BEP operations. Additionally, the current authority limits the ability of the BEP police to respond to the needs of tourists and vendors who are drawn to the area surrounding the facility. Section 535 will provide the necessary authority to enhance the ability of the BEP Police to provide adequate attention to these problems. The conferees require that the BEP provide information on the incidents which occur in this expanded area of authority so that the impact of Section 535 can be measured.

Amendment No. 31. Inserts a Senate provision relating to the consolidation plans of the Bureau of the Public Debt.

Amendment No. 32. Inserts Senate language exempting positions funded through reimbursement from the Puerto Rico Trust Fund from workforce reductions.

TREASURY FORFEITURE FUND

Amendment No. 33. Inserts a Senate provision authorizing certain expenses in the Treasury Forfeiture Fund to be paid out of the permanent indefinite appropriation.

EXPENDITURE SHIFT

The conferees have included language shifting certain Forfeiture Fund expenses from the discretionary to the permanent indefinite category. This includes the costs of overtime salaries, travel, fuel, training, equipment, and other costs of State or local law enforcement that are incurred in joint law enforcement operations and seizures, as well as expenses for the purchase or lease of automatic data processing systems, training, printing and contracting services.

The Department shall submit an operating plan to the House and Senate Committees on Appropriations for their approval within 30 days of enactment of this Act. The operating plan should describe the use of all resources, including both discretionary and permanent indefinite expenditures including, but not limited to, the following categories:

Permanent Authority:
Purchase of Evidence/Information
Salaries
Rent & Other Space Costs
Investigative Costs Leading to Seizure
Advertising Expenses
Property Tracking System Maintenance
Independent Audit of Forfeiture Fund
Other Seizure-Related Expenses
Contract Services: Maintenance & Disposal of Assets
Payments of Liens & Mortgages
Remission & Mitigation Expenses
Equitable Sharing Payments
Section 9703(b)(5) Expenses
Assistance to State and Local Law Enforcement
Contract Services, Consultants and Training
Consolidated Assets Tracking System (CATS)
Other
Discretionary Expenses:
Purchase of Evidence and Information
Investigative Equipment
Training Foreign Law Enforcement Personnel
U.S. Coast Guard Expenses

The Department shall submit a reprogramming request for any reallocation greater than $500,000 among these groupings.

Amendment No. 34. Inserts a Senate provision authorizing a security survey of the Bureau of Engraving and Printing, but changes the preliminary reporting requirement to 90 days of the date of enactment of the Act and final recommendations within 180 days of the date of the enactment of the Act.

Amendment No. 35. Deletes a provision proposed by the Senate regarding Customs Service inspectors retirement.

HAZARDOUS PAY FOR CUSTOMS INSPECTORS AND CANINE ENFORCEMENT OFFICERS

It is the belief of the conferees that some Customs Inspectors and Canine Enforcement Officers engage in hazardous duties and these employees should be eligible for additional compensation. The conferees are further aware that Customs has authority to implement hazardous pay compensation, under section 5545(d) of title 5, United States Code, with the concurrence of the Office of Personnel Management. Therefore, the conferees direct the Customs Service to designate hazardous duty functions for the purpose of paying hazardous duty differentials to Customs recommendations with a request for a waiver the Office of Personnel Management by no later than February 1, 1995.

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

Amendment No. 36. Appropriates $92,317,000 instead of $85,717,000 as proposed by the House and $102,317,000 as proposed by the Senate.

CITY OF BEVERLY HILLS, POST OFFICE PROPERTY

The City of Beverly Hills and the United States Postal Service are discussing the possible transfer of the old post office at 469 North Crescent Drive by the Postal Service to the City of Beverly Hills, California. The City of Beverly Hills deeded this property, undeveloped, to the Postal Service in 1931 for the sum of one dollar. It is the belief of the conferees that this property, having been declared excess by the Postal Service, should be returned to the City of Beverly Hills at little or no cost and that it should continue to be used for a public purpose. Working with community and business leaders, the City of Beverly Hills has developed a comprehensive plan for the re-use of the post office that would establish a visitor and multi-use cultural center at the Post Office site using existing facilities for the benefit of the entire community. It is the understanding of the conferees that the Postal Service maintains an interest in using a portion of the facility for retail services, and hopes that this use can be accommodated as part of an agreement between the City and the Postal Service. The conferees strongly urge a resolution of this matter within six months.

U.S. POSTAL OPERATIONS IN THE WASHINGTON, D.C. AREA

A Postal Service survey completed on May 27, 1994, rated Washington, D.C. as having the worst first class mail delivery performance in the nation, with 61 percent on time as compared to an average of 82 percent nationwide. The same survey showed that 70 percent of Washington customers were satisfied with their postal service, as opposed to 85 percent nationwide. On time performance is 21 percent below the national average, and customer satisfaction is 15 percent below the average.

Between May 17 and 19, Postal Service inspectors paid an unannounced visit to several processing centers in this area. Some of their findings follow:

The Washington, D.C. P&DC (Processing and Distribution Center) had large volumes of first-class mail in the government mail section with dates as old as February 1994.

In Southern Maryland, 2.3 million pieces of third-class letters were found stored in trailers on the P&DC yard * * * 230,000 pieces of second-class news were also on trailers * * *

Based on our observations, we estimate approximately 75 percent of all the mail at Southern Maryland P&DC was delayed.

The Postal Service has focused on cutting overhead, reducing operating costs, restructuring staff and enhancing automation. While these are worthwhile goals, the manner in which these efforts have been implemented may have left the Postal Service in a state of disarray. The recent history of the Postal Service has included:

Departures of experienced operational personnel (over 47,000) at a cost of more than $1 billion in retirement incentives.

Two reorganizations in the past 2 years which may have led to a lack of continuity as well as uncertainty in organizational relationships.

The concurrent introduction of automated systems and significant numbers of inexperienced personnel into the mail handling process without adequate training.

As noted in the May report of the inspectors:

At Aspen Hill, general housekeeping was unsatisfactory, empty soda cans were found everywhere; sacks were not stowed; lobby counters were dirty; and trash cans throughout the office were almost full.

The general feeling among carrier supervisors is the CSDRS (Customer Service Data Reporting System) is not used as an information source; rather, it is used to "get" supervisors.

Operations in the Washington, DC Area can be temporarily improved through large, quick injections of overtime and short-term staff transfers; and this should be done. But the conferees expect more of the Postal Service. The conferees expect consistent, high quality service both throughout the country and in this region.

Therefore, the conferees agree that the Postal Service needs to focus on the following fundamentals:

Accountability: local managers must know that they will be answerable for the performance of their office.

Performance Measurement: the Postal Service needs objective, consistent and reliable measures of its performance that can be used at all levels of management.

Process: the Congress must be assured that procedures are in place to address problems without extraordinary intervention.

Corporate Culture: all postal employees must be able to work together toward a common goal, and that good performance will be rewarded and poor performance will not be tolerated.

The Postal Service needs employees who are well trained, qualified, and willing to work. The Postal Service needs management with clear goals and clear strategies to achieve them. The Postal Service needs systems and procedures that are efficient and understandable to all. The Postal Service needs technology that can be appropriately used by the workforce.

The conferees will be carefully monitoring Postal Service operations to insure that this occurs.

PAGE, ARIZONA POSTAL FACILITY

The conferees are aware of the pressing need for new and expanded postal services for the community of Page, Arizona. The conferees understand that in recognition of this need, the Postal Service purchased 2.53 acres of land for the new Post Office in 1986. A recent meeting by the Postal Service Area Review Committee recommended a new Post Office in Page as the number one priority in the State of Arizona. The conferees, therefore, direct the Postal Service to expeditiously approve plans for this facility so that construction can be completed in the 1995–1996 time frame. The conferees expect the Postal Service to provide an updated status report on this project within 30 days of enactment of this Act.

CHRIST CHURCH STAMP

The conferees request that the Postal Service review the need for a stamp or postal card to be used by the Postal Service to honor the 300th anniversary of the founding of the Christ Church of Philadelphia.

FEDERAL PROCUREMENT IMPROVEMENTS

The conferees are encouraged by the widespread interest in moving Federal procurement activities away from a paper-based process to an electronic-based process. The interest in electronic procurement procedures, as expressed by various Federal officials, and put forth in the National Performance Review, shows significant potential for meaningful cost savings. This theme is also contained in the statement which accompanies the Federal Acquisition Streamlining Act of 1994.

The conferees are aware that the U.S. Postal Service is implementing electronic, just-in-time, supply system which is image-based. The conferees are encouraged by this Postal Service test and direct the Service to keep the House and Senate Committees on Appropriations apprised of the success of this test.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds $500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under $20,000,000, this threshold shall be $100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

Amendment No. 37. Appropriates $40,193,000 as proposed by the Senate instead of $38,754,000 as proposed by the House.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

Amendment No. 38. Appropriates $3,280,000 as proposed by the Senate instead of $3,270,000 as proposed by the House.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

Amendment No. 39. Appropriates $3,439,000 as proposed by the Senate instead of $3,420,000 as proposed by the House. Also deletes language proposed by the House authorizing a representation fund.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

Amendment No. 40. Appropriates $6,648,000 as proposed by the House instead of $8,222,000 as proposed by the Senate.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 41. Appropriates $26,217,000 as proposed by the Senate instead of $24,850,000 as proposed by the House.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

Amendment No. 42. Appropriates $57,754,000 instead of $56,272,000 proposed by the House and $55,081,000 as proposed by the Senate. The conferees have provided $1,482,000 and 15 FTEs in the OMB budget for the Information Security Oversight Office. The conferees have transferred this program from GSA to OMB beginning in fiscal year 1995.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 43. Allocates $52,000,000 in transfers to Federal agencies for anti-drug activities instead of $43,000,000 as proposed by the House and $55,000,000 as proposed by the Senate.

HIDTA STAFFING LEVELS

The conferees are very concerned about the lack of sufficient staffing to support the activities of the High Intensity Drug Trafficking Areas (HIDTAs). The conferees understand that only one individual is assigned to this program which currently covers six HIDTA regions and which will be responsible for seven such regions in fiscal year 1995. Given the importance of this program to the success of the National Drug Control Strategy, the conferees believe the HIDTA program requires additional staff and the requisite support. Therefore, the conferees expect the Director of ONDCP to allocate a minimum of two FTEs to this program during fiscal year 1995 and report what actions have been taken to implement this directive by no later than November 1, 1994.

Amendment No. 44. Allocates an additional $9,000,000 for HIDTA activities in the Puerto Rico-U.S. Virgin Islands area, if such area is so designated a HIDTA by the Director. The conferees expect the Director of ONDCP to request the full $12 million for HIDTA support for this region in fiscal year 1996.

With reference to the Southwest Border HIDTA, the funds provided shall only be used for those activities approved by the five HIDTA Executive Committees for the Southwest Border HIDTA and ultimately, the Under Secretary for Enforcement of the Department of the Treasury.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 45. Appropriates $41,900,000 instead of $14,800,000 as proposed by the House and $52,500,000 as proposed by the Senate. The conferees have provided $41,900,000 for anti-drug activities from proceeds in the Special Forfeiture Fund in fiscal year 1995. Those funds shall be used for the following purposes: $15,000,000 for anti-drug activities at the discretion of the Director; $3,100,000 for testing and implementation of new ballistics technologies at the discretion of the Director; $8,000,000 for CTAC projects; and $14,000,000 for transfer to the Substance Abuse and Mental Health Services Administration. The bulk of the discretionary funds provided to the Director are intended to cover shortfalls in drug control accounts, such as the Customs Air and Marine Interdiction programs, which would be insufficient if the drug threat increases as a result of increased border penetrations. The conferees expect the Director to seek advance approval from the House and Senate Committees on Appropriations prior to the obligation of these funds.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

The conferees have provided a total of $14,000,000 to be transferred to the Substance Abuse and Mental Health Services Administration (SAMHSA). Of these funds, $10,000,000 is for the Residential Women and Children's program, and $4 million is for the Center for Substance Abuse Treatment (CSAT) for community treatment programs. Of the $4,000,000, $1,300,000 shall be provided to Amity, Inc. for a comprehensive outpatient program, administered in cooperation with the Adult Probation Department of the Pima County Superior Court, targeted to drug-using offenders diverted from incarceration into treatment; $500,000 shall be provided to CODAC Behavioral Health Services, Inc. for a comprehensive treatment and prevention program for substance-abusing mothers and their infants; and $200,000 shall be available for renovation of a facility to serve the substance abuse needs of the people of Page, Arizona and the western portion of the Navajo Nation under the existing grants policy of the Center.

EL PASO INTELLIGENCE CENTER

The conferees have included a total of $1,800,000 for the Drug Enforcement Administration's (DEA) El Paso Intelligence Center (EPIC). The conferees believe that in the future, the DEA should provide sufficient funds for the support and expansion of EPIC through its own appropriation so as not to establish a continued pattern of using the Special Forfeiture Fund for this purpose.

NEW BALLISTICS TECHNOLOGY

The conferees have included $3,100,000 to expand testing of new ballistics technologies. The Bureau of Alcohol, Tobacco and Firearms currently operates in the District of Columbia a pilot project called CEASEFIRE, which uses advanced computer technology and traditional investigative techniques to assist State and local police in solving firearms-related violent crimes. A key element of this project is the Projectile Comparison System, which stores ballistic images in a computer data base, facilitating comparisons and positive matches.

The $3,100,000 for additional testing should focus on the ability to coordinate among multiple jurisdictions. An example of this is the Northern California Gun-Link project, which combines the resources of ten federal, state and local crime laboratories for ballistics identification and tracing.

COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER

The conferees have provided $8,000,000 for research and development activities of CTAC in fiscal year 1995. Of this amount, $500,000 is provided for a non-intrusive inspection system assessment and engineering tradeoff study. The conferees recognize the significant progress made toward achieving our national goal to develop a rapid, modern automatic system to inspect shipment and cargo containers for illicit substances and drugs. Recognizing this progress, the conferees direct ONDCP/CTAC to conduct, with the United States Customs Service, a comprehensive non-intrusive inspection (NII) system technology assessment and engineering tradeoff study. The tradeoffs between cost, performance, and operational parameters, associated with each subsystem component, the training requirements, personnel manning and all relevant factors should be addressed. These trade offs should also evaluate the mix of information, screening and detection subsystems; develop estimates of the non-recurring, engineering, and architectural costs; show how the subsystems and investments scale in size; and evaluate various functional configurations to meet the needs of individual ports and border crossing locations, as well as to satisfy requirements for mobility along our extensive southwest land border. The study objective is to ensure well thought out plans for developing first generation NII systems and address such items as research and development resource allocation, system engineering, cost benefit analyses, and transition of the maturing technologies. The study should consider the entire range of customs, transportation security and counter-terrorism applications. The study shall include the U.S. Customs Service, the Departments of Defense, Treasury, Commerce, Transportation, and other involved governmental agencies. The results should be reported to Congress by September 30, 1995.

DEVELOPMENT OF NEW TECHNOLOGY

The conferees agree that multiagency research and development programs be coordinated by the Office of National Drug Control Policy through the Counter-Drug Technology Assessment Center (CTAC) in order to prevent duplication of effort and to assure that those efforts transcend the need of any single Federal agency. Prior to the obligation of these funds, the House and Senate Committees on Appropriations expect to be notified by the chief scientist on how these funds will be spent and receive advance approval prior to the obligation of these funds. Additionally, the chief scientist should provide periodic reports on the priority counter-drug enforcement research and development requirements identified by the Center and on the status of the projects funded by CTAC.

The conferees agree that CTAC should recognize and support agency contributions to research and development. However, the CTAC should be the primary research and development organization and agencies should not expend resources to develop new or expanded internal research and development offices.

TITLE IV—INDEPENDENT AGENCIES

REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds $500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under $20,000,000, this threshold shall be $100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

Amendment No. 46. Appropriates $1,800,000 for salaries and expenses of the Administrative Conference of the U.S. as proposed by the Senate.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

Amendment No. 47. Appropriates $1,000,000 for salaries and expenses of the Commission as proposed by the Senate.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

Amendment No. 48. Appropriates $27,106,000 as proposed by the Senate instead of $23,564,000 as proposed by the House.

MODERNIZATION EFFORTS

The conferees support the FECs efforts to modernize its operations through computerization but are unable to earmark funds for that purpose at this time. The conferees have taken this step without prejudice and on the basis that any such earmark might undermine FECs ability to carry out its statutory responsibilities in the upcoming fiscal year.

Within available funds, the conferees urge the FEC to move as expeditiously as possible with their plans to modernize operations through computerization. The conferees encourage the FEC to develop options that will provide for the electronic filing of reports.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

Amendment No. 49. Appropriates $21,341,000 as proposed by the House instead of $21,540,000 as proposed by the Senate.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

Amendment No. 50. Appropriates $310,197,000 for expenses of the Federal Buildings Fund, instead of $361,615,520 as proposed by the House and $500,000,000 as proposed by the Senate.

Amendment No. 51. Establishes an aggregate limitation of $4,932,322,000 in obligational authority to be expended from receipts to the Federal Buildings Fund instead of $4,973,825,520 as proposed by the House and $5,055,841,000 as proposed by the Senate.

Amendment No. 52. Authorizes GSA to expend $601,702,000 in obligational authority for construction of federal building projects instead of $502,709,520 as proposed by the House and $721,129,000 as proposed by the Senate.

Amendment No. 53. Deletes language proposed by the House and modifies language proposed by the Senate which provides funding for the construction of certain Federal buildings and facilities.

FEDERAL BUILDING FUNDING REQUIREMENTS

Due to budgetary constraints, the conferees have reduced the funding available to Federal office building and courthouse projects for fiscal year 1995. The conferees are fully aware that the reduced funding may not cover the full costs of the projects as presently planned. The conferees expect the General Services Administration to proceed with the projects with the scope as originally planned. If funding provided through the line-item projects is not sufficient, the conferees direct GSA to submit reprogramming requests to the Committees on Appropriations to keep these projects on schedule. In addition, the conferees expect GSA to submit budget requests in future fiscal years for those projects which have not been fully funded.

U.S. COURTHOUSE, ST. LOUIS, MISSOURI

Construction has begun on the new Federal Courthouse in St. Louis, Missouri. Budget restraints have required the conferees to reduce funding for this project below the actual costs of this project. The conferees intend that GSA proceed on schedule with the scope as planned and utilize its reprogramming authority to insure appropriate funding is made available for completion of this project.

U.S. COURTHOUSE, FRESNO, CALIFORNIA

The conferees understand that GSA will soon begin the process of selecting a site for a new Federal Courthouse in Fresno, California. The conferees agree that GSA should adequately review all sites, including those in downtown Fresno for the new facility. The conferees note the Congressional intent is that to the extent possible, GSA strive to locate new facilities in downtown areas.

EPA BUILDING, RESEARCH TRIANGLE, NORTH CAROLINA

The conferees agree with the House position supporting the plans for a new Environmental Protection Agency laboratory in Research Triangle Park, North Carolina. The conferees expect the Administration to submit a request for construction funds for this building in the appropriate agency account in fiscal year 1996.

CLEVELAND, OHIO, U.S. COURTHOUSE

The conferees encourage GSA to work with the Planning Commission of the City of Cleveland on the location of the proposed U.S. Courthouse taking into consideration the "Group Plan of the Public Buildings of the City of Cleveland," prepared by the Board of Supervisors for Public Buildings and Grounds of the City of Cleveland. The conferees further encourage GSA to work with the Planning Commission of the City of Cleveland to review the need for pedestrian links to the community's pending waterfront rapid rail transportation extension.

FEDERAL OFFICE BUILDING, LAKELAND, FLORIDA

The conferees agree with the House report language directing GSA to develop a plan to renovate and upgrade the existing facility and use up to $1,500,000 for available funds to accomplish this task.

U.S. COURTHOUSE, SAVANNAH, GEORGIA

The conferees direct the General Services Administration to work with the City of Savannah, Georgia to incorporate, to the extent possible, adaptive renovation of historic structures, within the Federal Courthouse project.

U.S. COURTHOUSE, TAMPA, FLORIDA

The conferees agree that the report requested by the Senate with regards to this facility is no longer required.

NOAA FACILITIES

The House has included language in its report on the consolidation of NOAA facilities in the Norfolk/Hampton Roads area. With respect to any facilities for the fleet, the conferees direct that GSA examine the cost effectiveness of using facilities and docks at military bases that are being closed.

U.S. COURTHOUSE CONSTRUCTION REQUESTS

The conferees agree with the House report language accompanying the provision in the bill (Sec. 9) on courthouse construction. The conferees direct that the Courthouse construction requirements established by GSA and OMB include a prioritization of the projects by the Administrative Office of the U.S. Courts.

AUTHORIZATION REQUIREMENTS

The conferees have funded certain Federal building projects which are subject to authorization. A provision has been included which prohibits GSA from expending the provided funds until these projects receive the necessary authorization. In the meantime, however, the conferees direct the Administrator of General Services to submit information on these projects to the authorization committees. That information should take the form of either a formal prospectus or 11(b) report.

Amendment No. 54. Makes available $720,564,000 for repairs and alterations of certain Federal buildings and facilities instead of $815,268,000 as proposed by the House and $714,556,000 as proposed by the Senate.

Amendment No. 55. Makes available funds for repairs and alterations of certain Federal buildings and facilities.

CORPS OF ENGINEERS FACILITY, WALLA WALLA, WASHINGTON

The conferees have provided $2,800,000 for repair and alteration of the land and facilities currently occupied by the Corps of Engineers in Walla Walla, Washington. The conferees are concerned about GSA's lack of knowledge about this effort and the possibility that it may be using unrealistic cost estimates in preparing its plan. Therefore, the conferees direct GSA to work with the Corps of Engineers to implement the most cost-effective plan for this project. Additionally, the GSA shall keep the House and Senate Committees on Appropriations apprised of its efforts to complete this project.

Amendment No. 56. Makes available $2,173,000,000 for rental of space activities as proposed by the Senate instead of $2,204,628,000 as proposed by the House.

Amendment No. 57. Makes available $1,309,525,000 for building operations as proposed by the Senate instead of $1,323,689,000 as proposed by the House.

Amendment No. 58. Restores House language, with certain modifications, which allocates funds for a Bureau of Census project and subjects the obligation of funds for various Federal building projects to authorization approval, and provides that $5,000,000 appropriated for the FDA consolidation may be used for necessary infrastructure improvements.

ROAD IMPROVEMENTS

The conferees have included language directing the General Services Administration to transfer $5,000,000 to the Secret Service for road improvements at the Rowley Training Center in Beltsville, Maryland. These funds shall be expended for purposes of repairs of the adjacent roadways and its appurtenances.

TELECOMMUTING CENTER

The conferees have identified the specific amount that is available for the General Services Administration to pay to a public entity in the State of Maryland for purposes of establishing telecommuting work centers in Southern Maryland. The $1,300,000 in this language includes, and is not in addition to, those expenditures incurred or to be incurred for facilities, equipment and other services pursuant to the existing lease contract (including any supplements or riders thereto) between the General Services Administration and Charles County Community College.

Amendment No. 59. Deletes language proposed by the House with regard to certain building projects.

Amendment No. 60. Establishes an aggregate limitation of $4,932,322,000 in obligational authority to be expended from receipts to the Federal Buildings Fund instead of $4,973,825,520 as proposed by the House and $5,057,841,000 as proposed by the Senate.

Amendment No. 61. Modifies Senate language rescinding funds from certain projects funded in previous fiscal years.

OPERATING EXPENSES

Amendment No. 62. Deletes language proposed by the House authorizing expenditures

for the Information Security Oversight Office. This office has been transferred to the Office of Management and Budget for fiscal year 1995.

Amendment No. 63. Appropriates $130,036,000 for operating expenses as proposed by the Senate instead of $123,020,000 as proposed by the House; includes language proposed by the House cancelling $172,000 in offsetting collections; and includes language as proposed by the Senate allocating certain funds for Congressional and Senate offices.

COMMUNICATIONS NETWORK

The conferees have provided $6,000,000 for two communications networks. The conferees direct GSA to use up to $3,000,000 to implement the pilot project described in its report, "Iowa Communications Network Study". The remaining $3,000,000 shall be available to GSA for enhancing information superhighway capabilities in the State of Arizona working through Arizona State University.

AUTOMATING PROCUREMENT OPERATIONS

The conferees agree with the House report language concerning savings which might be achieved throughout the government through application of the Interior Department's Electronic Acquisition System (IDEAS) contract. This system could help reduce costs and provide savings to the government through increased private sector competition and a reduction of administrative requirements.

POLLUTION ABATEMENT TEST

The conferees agree with the House report language which reaffirms the Congressional directive to move forward on the test of diesel fuel additives as a means to reduce emissions and particulates. The GSA has submitted a report on its role in the pollution abatement test and the conferees direct the agency to ensure that the test is carried out as directed in 1994.

CONVERSION OF GASOLINE POWERED VEHICLES

The conferees are aware of a unique coupling technology utilized in the fueling of alternative fueling vehicles such as liquid propane gas and liquid natural gas. This coupling technology has been successfully employed by the Houston Metro Bus System in the conversion of buses to liquid natural gas. The conferees direct GSA and the U.S. Postal Service to investigate the applicability of this coupling in their existing vehicle conversion programs mandated by Executive Order 12844 and to report back to the House and Senate Committees on Appropriations no later than March 1, 1995 on the results of this investigation.

XTH PARALYMPIAD

The conferees agree that of the amounts appropriated to GSA, up to $1,000,000 shall be used for logistical and personnel support for the Xth Paralympiad on disability. The conferees recommend GSA's participation in preparation of public facilities for use by an unprecedented population of people with disabilities during the 1996 Paralympiad. The extent of accessibility associated with the event provides a model for future design and adaptability in Federal facilities.

TELECOMMUTING CENTERS

The conferees are particularly pleased with the success of the Waldorf InTeleWorkCenter, the first of a network of telecommuting centers in Southern Maryland being developed by Charles County Community College for this demonstration. The conferees are concerned that these centers and the supporting research being undertaken by Charles County Community College on behalf of this demonstration progress in an expedited manner which encourages innovation and flexibility. In establishing the first center in Charles County, the College experiences difficulty in securing GSA reimbursement for appropriate expenditures totaling $180,676 and covering start-up, buildout and development of the Waldorf InTeleWorkCenter and the supporting program. The conferees direct GSA to promptly reimburse Charles County Community College for all the justifiable reimbursable expenses. The conferees support the continuation of the College's role as the developer of initiatives to provide tools for success for future Federal telework centers including telework training, analysis of emerging technologies, business planning, etc. Further, the conferees direct Charles County Community College to provide a full report of findings and status to date directly to this committee by July 1, 1995.

EQUIPMENT PURCHASE—WORKING CAPITAL FUND

The Committees have included a provision establishing an expanded GSA Working Capital Revolving Fund to provide a more appropriate account for the administration of the various centralized administrative support services provided to benefiting GSA organizations and external entities and the centralized acquisition of major equipment and development of agencywide financial management and management information systems. These functions were heretofore housed under the Salaries and Expenses, General Management and Administration direct appropriation account.

Accordingly, it is the intent of the Committees that the activities referenced in section 5 of GSA's General Provisions in Public Law 103-123 (107 Stat 1246) "Major equipment acquisitions and development activity" of the Salaries and Expenses, General Management and Administration appropriation account for transfer of prior year unobligated balances of operating expenses accounts be separately accounted for under the new Working Capital Fund.

Amendment No. 64. Deletes language proposed by the House authorizing GSA to transfer funds between operating accounts.

Amendment No. 65. Deletes language proposed by the Senate authorizing GSA to use certain payments received from contractors or vendors for General Supply Fund purposes.

REIMBURSEMENT FOR EXPENSES

The conferees have agreed not to include a provision (Sec. 11) as recommended by the Senate which would have authorized GSA to retain refunds and rebates from contractors or vendors to manage and administer service programs such as the government credit card contracts due to the significant legislative concerns which have been raised. The conferees note that the current credit card contracts includes approximately $18,000,000 which will be available for rebate to all Federal agencies which use the service, based on usage and other factors. The conferees direct that all agencies receiving these rebates reimburse GSA for the costs of administering the program. Additionally, GSA should develop accurate cost measures associated with management and administration of this program and ensure that only those costs are the basis for reimbursement, before it seeks future action on this issue.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 66. Makes available $2,250,000 from the Civil Service Retirement and Disability Fund for administrative expenses instead of $2,420,000 as proposed by the House and $1,989,000 as proposed by the Senate.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Amendment No. 67. Appropriates $10,000,000 as proposed by the Senate.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

Amendment No. 68. Appropriates $195,238,000, instead of $194,638,000 as proposed by the House and $200,238,000 as proposed by the Senate. Also deletes language proposed by the Senate earmarking certain funds for grants for historical publications and records. The amount provided includes $100,000 for Archival activities associated with the Gallery of the Open Frontier in Nebraska and $500,000 to continue the feasibility study begun in fiscal year 1994 on the integration of Archives' collections into Internet and follow-on on-line systems in Nebraska.

Amendment No. 69. Restores House language canceling $441,000 in offsetting collections.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Amendment No. 70. Modifies House language appropriating $9,000,000 for historical publications and records grants and provides funds for the Thomas P. O'Neill, Jr. Library and the Robert H. and Corinne W. Michel Congressional Education Fund.

EDUCATIONAL PROGRAMS

In its continuing effort to improve teaching about the United States Constitution and the U.S. Government, the Division of Exhibits and Educational Programs and the Constitution Project have developed a national institute for teachers on the subject of the United States Constitution and the Bill of Rights. The conferees commend this action and have provided $250,000 to fund this important program.

JOHN F. KENNEDY ASSASSINATION RECORDS AND REVIEW BOARD

SALARIES AND EXPENSES

Amendment No. 71. Appropriates $2,150,000 instead of $2,418,000 as proposed by the House.

HIRING OF INVESTIGATORS

The conferees agree that the John F. Kennedy Assassination Records Review Board should give favorable consideration to hiring individuals who have investigative experience due to their former employment with the Office of Personnel Management. These individuals may well possess the skills which the Board will need to accomplish its mission.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

Amendment No. 72. Restores language and appropriations of $115,139,000 for salaries and expenses and $93,934,000 for administrative expenses as proposed by the House, including $3,000,000 as proposed by the House for OPM training. Includes language proposed by the Senate establishing health promotion and disease prevention programs.

FEDERAL EMPLOYEES HEALTH BENEFITS (FEHB)

The conferees support all efforts to encourage FEHB Plan members to utilize quality

and cost-effective health care delivery systems. The conferees support OPM's position in its March 24, 1994 letter to carriers in the FEHB requiring that carriers must put in place procedures to capture discounts from all bills presented and/or contract with vendors to do so.

The conferees have some concerns that confusion and questions can arise among providers about the nature and relationship of FEHB carriers, their networks, and other organizations that are not so closely affiliated. The conferees expect OPM to carefully review carrier submissions and encourage carries to work with providers to alleviate those concerns. The conferees further expect carriers to describe in their annual benefit submissions to OPM procedures for obtaining the lowest price for these services.

In addition, the conferees expect the OPM to review procedures and practices of all in and out of network contractors to ensure that Federal employees have the best available information in order to make sound choices and decisions.

The conferees direct OPM to report back to the House and Senate Committees on Appropriations by April 1, 1995 on the amount of savings realized from this program. The conferees wish to reiterate that OPM is expected to ensure FEHB program integrity and the highest quality care for Federal employees at the lowest price.

DIVERSITY IN THE FEDERAL WORKPLACE

The conferees are supportive of efforts by the Office of Personnel Management to promote diversity and equal employment opportunity in the Federal civil service. The conferees are aware of one such program used in this regard, the Woodrow Wilson National Fellowship Program in Public Policy. Over 800 students have been selected as Wilson Fellows for training in over 30 of the Nation's top graduate schools and universities teaching public policy in the United States. Wilson Fellows account for nearly 50 percent of all minority students served by many of these programs. The conferees are supportive of efforts by the Office of Personnel Management to improve cooperation with the Wilson program, as well as other programs that are geared to increasing minority participation in government, and encourage OPM to recommend how these efforts can be improved in its fiscal year 1996 budget submission.

BUDGET SUBMISSION

The fiscal year 1995 OPM budget submission is unclear and should be revised to illustrate the relationship between its initiatives and various appropriated and non-appropriated accounts. The conferees direct that a revised submission, with prior approval of the Committees on Appropriations, be prepared for the fiscal year 1996 budget submission.

BASE PAY FOR UNIFORMED DIVISION OFFICERS OF THE UNITED STATES SECRET SERVICE AND POLICE OFFICERS OF THE BUREAU OF ENGRAVING AND PRINTING

The conferees recommend that the Office of Personnel Management incorporate Special Pay Rates, which were previously granted to the United States Secret Service Uniformed Division officers, into the base pay scale of these officers. The conferees further recommend that the police officers of the Bureau of Engraving and Printing be provided locality pay. It was the original intent of the conferees that the Secret Service Uniformed Division Special Rates be included as part of base pay for all purposes and receipt of these Special Rates should not preclude these officers from locality pay adjustments. Comparison of locality adjustments to Special Rates is certain to reflect the very disparities which precipitated the need for the Special Rate adjustments for the Uniform Division officers in 1988. Similarly, lack of locality pay for Bureau of Engraving and Printing police erodes their new pay plan established in 1991. The conferees fear that without action to correct these oversights additional recruitment and retention problems will result. The conferees instruct OPM to report back on its actions in this regard no later than February 1, 1995.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

Amendment No. 73. Appropriates $34,039,000 instead of $33,650,000 as proposed by the house and $34,427,000 as proposed by the Senate.

TITLE V—GENERAL PROVISIONS

THIS ACT

REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds $500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under $20,000,000, this threshold shall be $100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

PERFORMANCE MEASUREMENT

The conferees agree to direct agencies to begin implementing performance measurement, pursuant to the following principles:

(1) A relatively large number of measures is needed to fully understand a product/service's performance. Organizations which are just now establishing measures are advised to start small with a few key areas until they increase their proficiency.

(2) Managers should be using performance measurement data, paying special attention to often-ignored quality and customer satisfaction information. Managers typically use traditional financial performance measures while ignoring quality and customer satisfaction data.

(3) Managers should ensure that performance measures are linked with all relevant planning and improvement efforts. It is also important that organizations use performance measurement in senior management appraisals.

(4) Managers should limit the creation of overhead organizations. Initiatives that make performance measures easier—such as automated systems—are popular and often create higher user satisfaction. Initiatives that create extra work—such as central office collecting measurement data or a consolidated report—inhibit productivity and are not frequently used by corporations.

The conferees note that government leaders should adopt the practice of involving customers and stakeholders in the development of performance measurements, involving line management, employees, and even customers. This tends to increase "buy-in," usability, and implementation. Development and implementation should be driven by broader improvement efforts providing a mechanism for following up on the opportunities revealed by the measurement data.

The conferees agree that, to the extent practicable, performance management concepts be incorporated and identified in the fiscal year 1996 budget requests.

TASK FORCES FUNDED IN THIS ACT

The conferees agree with the House report language requiring agencies which fund any task force to report the amount contributed to a task force to the House and Senate Committees on Appropriations.

MAILING LISTS

The conferees agree that section 522 which addresses the availability of mailing lists, has no bearing on information that may be available to Federal labor organizations pursuant to any other law, rule, or regulation.

Amendment No. 74. Inserts a Senate provision changing a date from 1994 to 1995 with reference to the use of funds and other contributions to OPM.

Amendment No. 75. Restores language proposed by the House which prohibits funds from being used to withdraw the designation of a port in Front Royal, Virginia.

Amendment No. 76. Restores language proposed by the House which prohibits the use of funds to relocate any Federal agency for the sole reason that locality pay was increased.

Amendment No. 77. Restores language proposed by the House with modification requiring advance approval by the House and Senate Committees on Appropriations for funds carried over from certain salaries and expense accounts.

Amendment No. 78. Inserts Senate language which limits travel expenses for Federal agencies and changes section number.

Amendment No. 79. Modifies Senate language to exempt Treasury law enforcement and support positions from the Federal Workforce Restructuring Act for one year.

Amendment No. 80. Inserts Senate language amending a law relating to former Presidents and changes section number.

Amendment No. 81. Inserts Senate language amending a law relating to former Presidents and changes section number.

Amendment No. 82. Modifies language proposed by the Senate requiring the Office of Personnel Management to conduct a study on cost of living allowances for Federal employees stationed outside of the continental United States. It also inserts language concerning the U.S. Forest Service Administrative Offices in Graham County, Arizona, the U.S. Courthouse in Tucson, a leased facility in Tucson, jurisdiction of the Bureau of Engraving and Printing, the use of funds made available in previous years for the U.S. Mint, a transfer of funds provided for the Office of Policy Development, the replacement of vehicles at IRS, equipment purchases for the GSA from the Working Capital Fund, exempting a Treasury Department review from the Federal Advisory Committee Act and clarifies pay for the legislative archivist at the National Archives and Records Administration.

TITLE VI—GOVERNMENTWIDE GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Amendment No. 83. Inserts Senate language permitting other employee programs as authorized by law or deemed appropriate to benefit from funds received from recycling programs.

Amendment No. 84. Restores House language and deletes Senate language relating to wage grade employees.

OFFICE REDECORATING ALLOWANCES

The conferees agree with the Senate position on Section 618 regarding the use of funds for decorating and improvement purposes. It is the intent of the conferees that the word "office" refers not only to the personal office of the official, but also the entire suite of offices assigned to the official, as well as any other space that is directly controlled by the official or is recognized within the agency as being primarily for the use of the official.

Amendment No. 85. Restores House language relating to mandatory use of FTS2000.

Amendment No. 86. Deletes Senate language relating to utility rebates.

Amendment No. 87. Restores House language with a technical change to provide for an average .6% locality pay and a 2% ECI increase for Federal employees.

Amendment No. 88. Restores House language relating to the backfilling of positions eliminated through Federal "buy-outs".

Amendments No. 89–92. Inserts four Senate amendments relating to the employment of Executive Office of the President individuals and access to the White House.

Amendment No. 93. Deletes Senate language relating to pay for the Uniformed Division of the United States Secret Service.

Amendment No. 94. Modifies Senate language which authorizes law enforcement availability pay.

LAW ENFORCEMENT AVAILABILITY PAY

The provision included in the conference report provides a 25 percent premium pay allowance to all 1811 OPM series criminal investigators, and to 1812 OPM series criminal investigators employed by the United States Fish and Wildlife Service and the National Marine Fisheries Service.

Availability pay replaces discretionary premium pay, commonly referred to as "Administratively Uncontrollable Overtime (AUO)", with guaranteed compensation at the rate of 25 percent. The compensation is provided in anticipation of the unscheduled work which these criminal investigators are expected to perform due to the nature of their work.

Criminal investigators receiving this guaranteed compensation shall be exempt from the Fair Labor Standards Act payment. This does not imply that the conferees believe that such an exemption should or should not be applied to State and local law enforcement officers. Federal investigators are faced with unique conditions of employment, such as interstate and international relocation, which necessitate guaranteed compensation in lieu of Fair Labor Standards Act payments.

The provisions contained in this section provide criminal investigators with a guaranteed, uniformly-applied form of compensation for unscheduled duty. It will facilitate budgeting, scheduling and operations for the affected agencies. Enactment of this section will prevent litigation and provide fair and secure compensation to federal criminal investigators.

Amendment No. 95. Deletes Senate language relating to utility rebates.

Amendment No. 96. Inserts Senate language amending Section 5704 of title 5, United States Code, relating to employee mileage reimbursement and changes the section number.

Amendment No. 97. Inserts Senate language relating to Canadian restrictions on the import of chickens from the United States and changes the section number.

Amendment No. 98. Modifies Senate language relating to the use of funds for the travel of certain individuals and changes the section number.

Amendment No. 99. Inserts Senate language making amendments to Section 3 of the Congressional Award Act and changes the section number.

Amendment No. 100. Inserts a Senate provision relating to drug-free workplace programs and changes section number.

Amendment No. 101. Modifies Senate language relating to the use of subsidies for certain third-class periodical publications; establishes a 6-year statute of limitations on certain claims; authorizes the Bureau of the Public Debt to pay for certain expenses; authorizes Federal law enforcement officers to attend the funerals of fellow officers and firefighters; and permits OPM to use funds for government payments for annuitants and employee life insurance programs.

Amendment No. 102. Inserts Senate language relating to savings from procurement reforms and changes the section number.

Amendment No. 103. Deletes Senate language relating to GSA buildings and establishes a new title, Title VII, which appropriates funds for violent crime control and law enforcement programs and activities.

The conferees have provided $38,700,000 for various law enforcement activities of the Department of the Treasury. The funds are allocated as follows: $2,400,000 for the Office of Enforcement; $9,000,000 for the Gang Resistance Education and Training program; $7,000,000 for the Bureau of Alcohol, Tobacco and Firearms for firearms enforcement and compliance activities; $7,000,000 for the Internal Revenue Service's Criminal Investigation Division; $4,000,000 for the U.S. Customs Service for border and port enforcement activities; $2,700,000 for the Financial Crimes Enforcement Network for Gateway and other financial intelligence activities; and $6,600,000 for the United States Secret Service for anti-counterfeit investigations and enhancing forensics capabilities to aid in the identification of missing and exploited children.

DISTRIBUTION OF FUNDS FOR GREAT PROGRAM

The conferees direct that the Bureau of Alcohol, Tobacco and Firearms give priority to the consideration of funding for New York City and the District of Columbia when distributing funds under the GREAT program.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1995 recommended by the Committee of Conference, with comparisons to the fiscal year 1994 amount, the 1995 budget estimates, and the House and Senate bills for 1995 follow:

New budget (obligational) authority, fiscal year 1994	$22,538,822,000
Budget estimates of new (obligational) authority, fiscal year 1995	24,571,817,000
House bill, fiscal year 1995	23,347,513,520
Senate bill, fiscal year 1995	23,591,590,000
Conference agreement, fiscal year 1995	23,454,806,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1994	+915,984
Budget estimates of new (obligational) authority, fiscal year 1995	−1,117,011,000
House bill, fiscal year 1995	+107,292,480
Senate bill, fiscal year 1995	−136,784,000

STENY H. HOYER,
PETER J. VISCLOSKY,
GEORGE (BUDDY) DARDEN,
JOHN W. OLVER,
TOM BEVILL,
MARTIN OLAV SABO,
DAVID R. OBEY,
JIM LIGHTFOOT,
(except amendment 29),
JOSEPH M. MCDADE,
(except amendment 53),
Managers on the Part of the House.

DENNIS DECONCINI,
BARBARA A. MIKULSKI,
J. ROBERT KERREY,
ROBERT C. BYRD,
CHRISTOPHER S. BOND,
ALFONSE M. D'AMATO,
MARK O. HATFIELD,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RANGEL (at the request of Mr. GEPHARDT), for today and tomorrow, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. TAYLOR of North Carolina, for 15 minutes, today.

Mr. DORNAN, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. PORTER, for 5 minutes, today.

Mr. BACHUS of Alabama, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. ROYCE, for 5 minutes, today.

(The following Members (at the request of Mr. RAHALL) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. TRAFICANT and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,572.)

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. TAYLOR of North Carolina.

Mr. HOKE, in three instances.

Mr. LEACH.

Mr. GOODLING.
Mr. KYL.
Mr. UPTON.
(The following Members (at the request of Mr. RAHALL) and to include extraneous matter:)
Ms. DELAURO.
Mr. MILLER of California.
Mr. PETE GEREN of Texas.
Mr. WILLIAMS.
Mr. REED.
Ms. VELÁZQUEZ.
Ms. HARMAN.
Mr. HALL of Ohio.
Mr. DINGELL.
Mr. MCDERMOTT.
(The following Members (at the request of Mr. ROHRABACHER) and to include extraneous matter:)
Mr. PAYNE of New Jersey, in three instances.
Mr. JACOBS.
Mr. RUSH.
Ms. MARGOLIES-MEZVINSKY.
Mrs. COLLINS of Illinois.
Mr. BARCIA of Michigan.
Mr. COPPERSMITH.
Mr. PALLONE.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1779. An act to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the "Jerry L. Litton United States Post Office Building", and to authorize travel and transportation expenses for certain Federal career appointees, and for other purposes.

H.R. 3679. An act to authorize the Secretary of the Interior to carry out a program to be known as the Junior Duck Stamp Conservation and Design Program, and for other purposes.

H.R. 4190. An act to designate the building located at 41–42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to amend title 39, United States Code, to make applicable with respect to the United States Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes.

H.R. 4647. An act to direct the Secretary of the Interior to convey to the City of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge.

H.J. Res. 363. Joint resolution to designate October 1994 as "Crime Prevention Month."

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2067. An act to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes; jointly, to the Committee on Natural Resources and the Committee on Energy and Commerce.

ADJOURNMENT

Mr. DELAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 4 minutes p.m.) the House adjourned until tomorrow, Friday, September 23, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3860. A letter from the Administrator, General Services Administration, transmitting an informational copy of a prospectus for the Department of Commerce, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3861. A letter from the Secretary of Transportation, transmitting the annual report on the transition to quieter airplanes; to the Committee on Public Works and Transportation.

3862. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army dated January 28, 1994, submitting a report together with accompanying papers and illustrations (H. Doc. No. 103–315); to the Committee on Public Works and Transportation and ordered to be printed.

3863. A letter from the Deputy Secretary of Defense, transmitting a report on the status of the process for the resolution of commercial disputes in Saudi Arabia and the prognosis for any of the disputes that remain unresolved; jointly, to the Committees on Appropriations and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1520. A bill to amend the Petroleum Marketing Practices Act; with an amendment (Rept. 103–737). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4683. A bill to amend the Solid Waste Disposal Act to provide congressional authorization of State control over transportation of municipal solid waste, and for other purposes; with an amendment (Rept. 103–738). Referred to the Committee of the Whole House on the State of the Union.

Mr. GIBBONS: Committee on Ways and Means. H.R. 5060. A bill to provide for the continuation of certain free collections for the expenses of the Securities and Exchange Commission for fiscal year 1995 (Rept. 103–739, Pt. 1). Ordered to be printed.

Mr. YATES: Committee of conference. Conference report on H.R. 4602. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–740). Ordered to be printed.

Mr. HOYER: Committee of Conference. Conference report on H.R. 4539. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–741). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SMITH of Texas (for himself, Mr. BONILLA, Mr. ARCHER, Mr. ARMEY, Mr. BARTON of Texas, Mr. COMBEST, and Mr. SAM JOHNSON of Texas):

H.R. 5073. A bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of such act, to protect against and compensate for economic losses from critical habitat designation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. UNDERWOOD:

H.R. 5074. A bill to grant authority in Guam to give a preference, in awarding contracts, to persons employing citizens, nationals, or permanent resident aliens of the United States; to the Committee on Natural Resources.

By Mr. DINGELL (for himself and Mrs. COLLINS of Illinois):

H.R. 5075. A bill to ensure that sellers and underwriters of insurance are qualified and subject to consumer protection requirements; to the Committee on Energy and Commerce.

By Mrs. BYRNE:

H.R. 5076. A bill to amend title 23, United States Code, relating to drunk driving; to the Committee on Public Works and Transportation.

By Mr. HALL of Ohio (for himself, Mr. LANCASTER, Mr. APPLEGATE, Mrs. CLAYTON, Mr. BOEHNER, Mr. HEFNER, Mr. FINGERHUT, Mr. MCMILLAN, Mr. GILLMOR, Mr. NEAL of North Carolina, Mr. HOBSON, Mr. PRICE of North Carolina, Ms. KAPTUR, Mr. ROSE, Mr. KASICH, Mr. VALENTINE, Mr. MANN, Mr. OXLEY, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. SAWYER, Mr. STOKES, and Mr. TRAFICANT):

H.R. 5077. A bill to establish a commission to assist in commemoration of the first airplane flight by the Wright brothers; to the Committee on Post Office and Civil Service.

By Ms. HARMAN (for herself, Mr. HORN, and Mr. TUCKER):

H.R. 5078. A bill to amend the Stewart B. McKinney Homeless Assistance Act to modify the process by which unutilized and underutilized buildings and real property resulting from the closure or realignment of military installations are made available to assist the homeless; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MARTINEZ:

H.R. 5079. A bill to amend the Anti-Drug Abuse Act of 1988 to authorize appropriations

for fiscal years 1995, 1996, and 1997 for drug abuse education and prevention for the benefit of youth; to the Committee on Education and Labor.

By Mr. COX.

H.R. 5080. A bill to repeal the Postal Service monopoly on first class mail; jointly, to the Committees on Post Office and Civil Service and the Judiciary.

By Mr. HUGHES:

H.R. 5081. A bill to provide for a demonstration project by Federal Prison Industries; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mr. POMEROY, Mr. ARCHER, Mr. THOMAS of California, Mr. HOEKSTRA, Mr. MICHEL, Mr. CRANE, Mr. MANZULLO, Mr. GRANDY, Mr. TAUZIN, Mr. JEFFERSON, Mrs. UNSOELD, Mr. JACOBS, Mr. HOBSON, Mr. MCCOLLUM, Mr. YOUNG of Florida, Mr. BOEHNER, Mrs. KENNELLY, Mr. GOSS, Mr. PETERSON of Florida, and Mr. BARCA of Wisconsin):

H.R. 5082. A bill to extend for an additional 2 years the period during which Medicare select polices may be issued; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Ms. MARGOLIES-MEZVINSKY:

H.R. 5083. A bill to amend the Public Health Service Act to provide for the development and operation of regional centers to conduct research and provide education and training regarding women's health; to the Committee on Energy and Commerce.

By Mr. GOODLING (for himself and Mr. SAWYER):

H.J. Res. 413. Joint resolution designating November 1, 1994, as "National Family Literacy Day"; to the Committee on Post Office and Civil Service.

By Mr. ROSE:

H. Con. Res. 293. Concurrent resolution providing for the printing of the book entitled "History of the United States House of Representatives"; to the Committee on House Administration.

By Mr. LEACH:

H. Con. Res. 294. Concurrent resolution expressing the sense of the Congress that the Department of Housing and Urban Development should not interfere with the exercise of the right of free speech, the right of free association, or the right to petition the Government for a redress of grievances; to the Committee on Banking, Finance and Urban Affairs.

By Mr. STUDDS (for himself, Mr. MANTON, Mr. ANDREWS of Maine, and Mr. YOUNG of Alaska):

H. Con. Res. 295. Concurrent resolution to express the sense of the Congress of the United States that the United States should actively seek compliance by all countries with the conservation and management measures for Atlantic bluefin tuna adopted by the International Commission for the Conservation of Atlantic Tunas; to the Committee on Merchant Marine and Fisheries.

By Mr. HASTINGS (for himself, Ms. WATERS, Ms. MCKINNEY, Mr. JOHNSTON of Florida, Mr. PAYNE of New Jersey, and Mrs. CLAYTON):

H. Res. 540. Resolution expressing the sense of the House of Representatives with respect to the situation in Haiti; to the Committee on Foreign Affairs.

By Mr. MCDERMOTT:

H. Res. 541. Resolution concerning United States and South Asian relations; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 123: Mr. CAMP, Mr. GRAMS, Mr. JOHNSON of Georgia, Mr. LEVY, Mr. POMEROY, and Mr. HASTERT.

H.R. 179: Mr. GUNDERSON.

H.R. 417: Mr. KIM, Mrs. VUCANOVICH, Mr. GLICKMAN, Mr. LAUGHLIN, Mr. PAYNE of Virginia, Mr. SAXTON, Mr. KLUG, Mr. QUINN, Mr. EMERSON, Mr. WALSH, Mr. MICA, and Mr. ARCHER.

H.R. 509: Mr. BACHUS of Alabama.

H.R. 587: Mr. VISCLOSKY.

H.R. 938: Mr. TALENT.

H.R. 1105: Mr. BAKER of California.

H.R. 1172: Mr. KENNEDY.

H.R. 1330: Mr. LEWIS of Kentucky and Mr. HUFFINGTON.

H.R. 1500: Mr. DERRICK, Mr. LANTOS, Mr. MINGE, and Ms. LOWEY.

H.R. 1671: Mr. WATT, Mr. RAVENEL, and Mr. LIPINSKI.

H.R. 2717: Mr. CANADY.

H.R. 2959: Ms. DANNER.

H.R. 3031: Mr. GUNDERSON.

H.R. 3182: Mr. COYNE.

H.R. 3263: Mr. LEWIS of Georgia.

H.R. 3386: Mr. GREENWOOD.

H.R. 3404: Mr. SYNAR.

H.R. 3523: Mr. BAKER of California and Mr. SANTORUM.

H.R. 3560: Mr. JACOBS.

H.R. 3787: Mr. HALL of Texas.

H.R. 3949: Mr. HINCHEY and Ms. BROWN of Florida.

H.R. 3971: Mr. OXLEY and Mr. BOEHNER.

H.R. 4142: Mr. YATES, Mr. WALSH, Ms. MARGOLIES-MEZVINSKY, and Mr. MCHUGH.

H.R. 4474: Mr. KLECZKA.

H.R. 4477: Mr. CHAPMAN, Mr. LINDER, Mr. WILSON, and Mr. CALVERT.

H.R. 4589: Mr. LIVINGSTON.

H.R. 4675: Mr. LEHMAN.

H.R. 4919: Mr. STARK, Mr. FAWELL, and Mr. SHAYS.

H.R. 4980: Mr. BATEMAN, Mr. ROMERO-BARCELO, Mr. WILSON, Mr. SCHIFF, Mr. CHAPMAN, Ms. DANNER, Mr. SHUSTER, and Mr. COYNE.

H.R. 5032: Mr. CALVERT, Mr. HANCOCK, Mr. TAYLOR of North Carolina, and Mr. BLUTE.

H.R. 5049: Mr. HANSEN, Mr. HEFLEY, Mr. SHAYS, Mr. BOEHLERT, Mr. DREIER, Mr. HASTERT, Mr. GOSS, Mr. BILIRAKIS, Mr. MCCOLLUM, Mr. ROGERS, Mr. SMITH of New Jersey, Mr. BARTON of Texas, Mr. COX, Mrs. FOWLER, Mr. HYDE, Mr. MCCRERY, Mr. MACHTLEY, Ms. MOLINARI, Mr. RAMSTAD, Mr. SHUSTER, Mr. SKEEN, Mr. WALKER, Mr. SCHIFF, Mr. SMITH of Oregon, Mr. HUTTO, Mr. SKELTON, Mr. BROWN of California, Mr. CONDIT, Mr. DELLUMS, Mr. FAZIO, Mr. PETE GEREN of Texas, Mr. HALL of Texas, Mr. LANCASTER, Mr. LAUGHLIN, Mrs. LLOYD, Mr. PARKER, Mr. RANGEL, Mr. ROWLAND, Mrs. SCHROEDER, and Ms. SLAUGHTER.

H.R. 5062: Mr. MILLER of Florida, Mr. MACHTLEY, Mr. GINGRICH, Mr. BAKER of California, Mr. RAHALL, Mr. TALENT, Mr. HEFLEY, and Mr. PARKER.

H.J. Res. 29: Mr. TALENT.

H.J. Res. 326: Mr. MONTGOMERY, Mr. MCNULTY, Mr. MURPHY, Mr. MANTON, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS, Mr. OXLEY, Mr. PASTOR, Mr. PAXON, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. POSHARD, Mr. PRICE of North Carolina, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RAHALL, Mr. RAMSTAD, Mr. REGULA, Mr. RIDGE, Mr. ROEMER, Mr. ROHRABACHER, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. SAWYER, Mr. SCHAEFER, Ms. SCHENK, Mr. SHAYS, Mr. SISISKY, Mr. SKEEN, Mr. SKELTON, Mr. SLATTERY, Mr. SOLOMON, Mr. SPENCE, Mr. STARK, Mr. STENHOLM, Mr. STOKES, Mr. BAKER of California, Mr. BALLENGER, Mr. BARCA of Wisconsin, Mr. BAESLER, Mr. BARRETT of Nebraska, Mr. BARRETT of Wisconsin, Mr. BARTLETT of Maryland, Mr. BECERRA, Mr. BILIRAKIS, Mr. BLACKWELL, Mr. BLUTE, Mr. BOEHNER, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. BRYANT, Mr. BURTON of Indiana, Mr. BUYER, Mrs. BYRNE, Mr. CALLAHAN, Mr. BOEHLERT, Ms. CANTWELL, Mr. CARR, Mr. CLAY, Mr. CLEMENT, Mr. CLINGER, Mr. CLYBURN, Mr. COPPERSMITH, Mr. COSTELLO, Ms. DANNER, Mr. DARDEN, Mr. DEAL, Mrs. COLLINS of Illinois, Mr. CHAPMAN, Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Mr. DEFAZIO, Mr. DE LUGO, Mr. DELAY, Ms. DELAURO, Mr. DICKEY, Mr. DICKS, Mr. DOOLITTLE, Mr. DORNAN, Mr. DREIER, Mr. DUNCAN, Ms. DUNN, Mr. DURBIN, Ms. ESHOO, Mr. EVANS, Mr. EDWARDS of Texas, Mr. EMERSON, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. EWING, Mr. FAZIO, Mr. FIELDS of Texas, Mr. FILNER, Mr. FINGERHUT, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORD of Michigan, Ms. FURSE, Mr. GALLO, Mr. GEPHARDT, Mr. PETE GEREN of Texas, Mr. GILCHREST, Mr. GILLMOR, Mr. GILMAN, Mr. GINGRICH, Mr. GORDON, Mr. GRANDY, Mr. GUNDERSON, Mr. GREENWOOD, Mr. HALL of Texas, Mr. HAMBURG, Mr. GUTIERREZ, Mr. HAYES, Mr. HEFNER, Mr. HOBSON, Mr. HOLDEN, Mr. HOKE, Mr. HORN, Mr. HOYER, Mr. HUNTER, Mr. HYDE, Mr. HUTCHINSON, Mr. HERGER, Mr. HANCOCK, Mr. INHOFE, Mr. JEFFERSON, Mr. SAM JOHNSON of Texas, Mr. KOPETSKI, Mr. KENNEDY, Ms. KAPTUR, Mrs. KENNELLY, Mr. KILDEE, Mr. KIM, Mr. KINGSTON, Mr. KLECZKA, Mr. LAFALCE, Mr. LAUGHLIN, Mr. LAZIO, Mr. LEVIN, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LEHMAN, Mrs. LLOYD, Mr. LIVINGSTON, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCCOLLUM, Mr. MAZZOLI, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MFUME, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. STRICKLAND, Mr. STUDDS, Mr. SWETT, Mr. SWIFT, Mr. TAYLOR of Mississippi, Mr. THOMAS of Wyoming, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TUCKER, Mr. VENTO, Mr. VISCLOSKY, Ms. WATERS, Mr. WHEAT, Mr. WOLF, Ms. WOOLSEY, Mr. WYDEN, Mr. YATES, Mr. MORAN, Mr. LEACH, Mr. MANN, Mr. ANDREWS of Texas, and Mr. KLEIN.

H.J. Res. 332: Mr. MOORHEAD, Mr. TAUZIN, Mr. BEVILL, Mr. DURBIN, Mr. SMITH of Iowa, Mr. OBEY, Mrs. MALONEY, Mr. OLVER, Mr. BERMAN, and Mr. HALL of Ohio.

H.J. Res. 338: Mr. JEFFERSON, Mr. LAFALCE, and Mr. LANCASTER.

H.J. Res. 346: Mr. YOUNG of Florida, Mr. MCDADE, Mr. WOLF, Mr. KLECZKA, Mr. LANTOS, Mr. OWENS, Mr. SHARP, Mr. ROHRABACHER, Mr. KREIDLER, Mrs. MEEK of Florida, Mr. LIPINSKI, Mr. EMERSON, Mr. CRAMER, Mr. HOCHBRUECKNER, Mr. HASTINGS, Mrs. THURMAN, Mr. JEFFERSON, Mr. MEEHAN, Mr. MONTGOMERY, Mr. LAFALCE, Mr. SARPALIUS, and Mr. BARCA of Wisconsin.

H.J. Res. 362: Mr. Jefferson and Mr. GORDON.

H.J. Res. 400: Mr. FILNER.

H.J. Res. 401: Mr. DE LA GARZA, Mr. DUNCAN, Mr. FLAKE, Mr. GUTIERREZ, Mr. KLINK, Mrs. LLOYD, Mr. MCCOLLUM, Mr. NADLER, Ms. PRYCE of Ohio, Mr. SARPALIUS, Mr. TRAFICANT, Mrs. VUCANOVICH, and Mr. YATES.

H. Con. Res. 243: Mr. LEHMAN and Mr. WYNN.

H. Con. Res. 264: Ms. DUNN.

H. Con. Res. 281: Ms. FURSE, Mr. FINGERHUT, and Mr. COPPERSMITH.

H. Res. 472: Mr. CASTLE and Mr. FAWELL.
H. Res. 493: Mr. MCHALE.

PETITIONS, ETC.

Under clause 1 of rule XXII.

131. The SPEAKER presented a petition of the King County Labor Council of Washington, relative to H.R. 4708; which was referred jointly, to the Committees on Education and Labor and Public Works and Transportation.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3171

By Mrs. BENTLEY:

—At the appropriate point in the bill after Section 803 add a new Section 804 as follows and renumber subsequent sections;

SEC. 804. TRADE AMERICAN GRAIN ACT OF 1994

Section 401 of the Agricultural Trade Act of 1978 (7 U.S.C. 5661) is amended by adding a new subsection at the end thereof:

"(d) CITIZENSHIP REQUIREMENTS.—Exporters, exporters of record, assignees, sellers, processors and other participants in the program, except for purchasers and users, must be a United States citizen.

"(1) DEFINITION OF UNITED STATES CITIZEN.—For purposes of this section, "United States citizen" shall mean either a natural person who is a citizen of the United States or a corporation, partnership, or association, whose controlling interest therein is owned by citizens of the United States, and in the case of a corporation, meets also the following requirements:

"(A) president or other chief executive officer is a United States citizen;

"(B) the chairman of its board of directors is a United States citizen;

"(C) a majority of the members of the board of directors are United States citizens; and

"(D) the corporation is organized under the laws of the United States or of a State, Territory, District, or possession thereof.

"(2) DEFINITION OF CONTROLLING INTEREST.—For purposes of this section, "controlling interest" shall not be deemed to be owned by citizens of the United States (A) if the title to a majority of the stock thereof is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (B) if the majority of the voting power in such corporation is not vested in citizens of the United States; or (C) if through any contract or understanding it is so arranged that the majority of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (D) if by any other means whatsoever control of the corporation is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.".

—At the end of the bill add the new section:

SEC. . COVERAGE OF FOREIGN VESSELS UNDER FEDERAL LABOR LAWS.

(a) NATIONAL LABOR RELATIONS.—Section 2(2) of the National Labor Relations Act (29 U.S.C. 152(2)) is amended—

(1) by inserting "(A)" after the paragraph designation; and

(2) by adding at the end thereof the following new subparagraph:

"(B)(i) The term 'employer' also includes a foreign documented vessel engaged in transporting government-financed cargoes of agricultural commodities.

"(ii) For purposes of this section, such term shall not include any foreign documented vessel that can demonstrate—

"(I) that at least 50 percent of its crew is composed of citizens of the country of registry; and

"(II) that legal title to such vessel is held by citizens of the country of registry, and beneficial ownership and control, direct or indirect, are held by citizens of the country of registry.

"(iii) As used in this subparagraph, the term 'citizen' shall include—

"(I) natural persons who are citizens of the country of registry;

"(II) a corporation, if its equity is at least 51 percent owned and controlled by citizens of the country of registry;

"(III) a partnership, if all the general partners are citizens of the country of registry and at least 51 percent of the partnership is owned and controlled by citizens of the country of registry.".

(b) PAIR LABOR STANDARDS ACT OF 1938.—

(1) DEFINITION.—Section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(d)) is amended—

(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end thereof the following new paragraph:

"(2)(A) The term 'employer' also includes a foreign documented vessel engaged in transporting government-financed cargoes of agricultural commodities.

"(B) For purposes of this section, such term shall not include foreign documented vessel that can demonstrate—

"(i) that at least 50 percent of its crew is composed of citizens of the country of registry; and

"(ii) that legal title to such vessel is held by citizens of the country of registry, and beneficial ownership and control, direct or indirect, are held by citizens of the country of registry.

"(C) As used in this paragraph, the term 'citizen' shall include—

"(i) natural persons who are citizens of the country of registry;

"(ii) a corporation, if its equity is at least 51 percent owned and controlled by citizens of the country of registry;

"(iii) a partnership, if all the general partners are citizens of the country of registry and at least 51 percent of the partnership is owned and controlled by citizens of the country of registry.".

(2) MINIMUM WAGE.—Section 6(a)(4) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(4)) is amended by inserting "or a foreign documented vessel described in section 3(d)(2)(A)" after "an American Vessel".

"(3) EXEMPTION.—Section 13(a)(12) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(12)) is amended by inserting "or a foreign documented vessel described in section 3(d)(2)(A)" after "an American Vessel".

SENATE—*Thursday, September 22, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable PAUL D. WELLSTONE, a Senator from the State of Minnesota.

PRAYER

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

Let us pray:

God is our refuge and strength, a very present help in trouble.—Psalm 46:1.

Almighty God, sovereign Lord of history and nations, You are needed here. Your presence, Your mercy, Your judgment, Your wisdom, Your love. We need You in this formidable arena of controversy, conflict, and compromise, where unnumbered agendas converge and demand attention, where special interests collide, where strong wills clash. We need You when tempers rise, emotions boil, frustration enervates, and suppressed anger explodes.

Gracious God, in this vortex of the storm where personal, local, regional, national, international, and special interests concentrate, give to the leaders, the Senators, and their staffs, grace exceeding the tempest.

In the name of Him whose peace the world cannot give nor take away. 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, September 22, 1994.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, and Members of the Senate, there will be a period for morning business until 10:30 this morning, at which time the Senate will debate for 1 hour on a pending motion to invoke cloture on the motion to disagree to the House amendments on campaign finance reform.

Basically, Mr. President, we have taken up and passed the campaign finance reform bill, and we are now trying to go to conference with the House to reach an agreement so that we can finally act on that important measure, but we face a filibuster by our Republican colleagues on our effort to go to conference. That will be the subject of debate this morning, at which time I will encourage all Senators to vote to end the filibuster so that we can proceed to conference on that important measure.

Following disposition of that measure, we will act in an identical way on the California desert bill. We face the same situation there. The Senate and House have passed bills with respect to the California desert. We are trying to get to conference on it. We face a filibuster on that effort, as well, and I hope we will have an opportunity to debate that following the campaign finance reform bill.

Thereafter, we will return to consideration of the pending District of Columbia appropriations bill.

Mr. President, parliamentary inquiry. Has all leader time been reserved?

The ACTING PRESIDENT pro tempore. It has been by a previous order.

Mr. MITCHELL. Mr. President, I note the presence of the distinguished Senator from Indiana, and I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for 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 each.

Mr. COATS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized.

REGARDING SENATE RESOLUTION 259 COMMENDING THE PRESIDENT AND SPECIAL DELEGATION TO HAITI AND SUPPORTING UNITED STATES ARMED FORCES IN HAITI

Mr. COATS. Mr. President, like all Americans, I am greatly relieved that the deployment of United States troops to Haiti occurred under peaceful rather than hostile circumstances. As a result, many Haitian as well as American lives have been spared.

I am also greatly relieved that General Cedras and the ruling military junta in Haiti have agreed to relinquish their grip on government and, thanks to the compelling argument of former Chairman of the Joint Chiefs, Gen. Colin Powell, cooperate in a peaceful transition of power.

Mr. President, I commend America's military men and women for their excellent performance in carrying out their duties, fully support them in their complex and difficult mission, and pray for their safe and quick return.

I fear, however, that our most difficult days lie not behind us but ahead.

Mr. President, the occupation, not the invasion, of Haiti has always been recognized as the more difficult part of this mission. In many respects, that occupation has now been made even more difficult by the circumstances under which it has occurred.

The Haitian population is by no means at peace, the institutions of civil government have yet to be established, and democracy is far from assured. The task we face in Haiti is not one of restoring democracy, but of building a nation. And, as we tragically learned in Somalia, that is not an appropriate mission for the United States military forces.

After nearly 3 days of intervention in Haiti, we have already seen that the United States military has become a local police force.

Before the invasion, the President promised that our Armed Forces cannot and will not be Haiti's police. But yesterday, the President said the military police will, "monitor the Haitian police" and attempt to deter violence "by their own presence." But the President added, "Our Armed Forces cannot and will not become Haiti's police force."

There was a very disturbing passage in a Washington Post story from this morning:

On their third day in Haiti * * * the GI's know what their mission is not. It is not the

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

invasion they had planned for months until calling it off last weekend. What they do not know is just what their mission is.

We are not in Haiti to protect American lives. We are not in Haiti to protect American property. We are not in Haiti to deter aggression from another nation. We are not in Haiti to protect United States national interests.

We are once again placed between at least two warring factions in an unstable society. To try to resolve a conflict that exists among the Haitian people.

Restoring democracy, policing the streets, refereeing local disputes, is not and has never been an appropriate mission for the U.S. military.

For those reasons, Mr. President, as well as the fact that no United States national interest is at stake in Haiti, or has been demonstrated to be at stake in Haiti, I opposed a United States invasion of Haiti. For the same reasons, Mr. President, I now urge a timely conclusion to the United States occupation of Haiti, and the speedy withdrawal of all United States troops.

Mr. President, I yield the floor.

Mr. GRAHAM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, parliamentary inquiry. Am I correct that Senator HATFIELD and I have reserved 30 minutes at this point?

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator from Florida [Mr. GRAHAM] and the Senator from Oregon [Mr. HATFIELD] are recognized to speak for a total of 30 minutes.

Mr. GRAHAM. Thank you, Mr. President. I will speak for 15 minutes and then my colleague, Senator HATFIELD, will use the remainder of the time.

(The remarks of Mr. GRAHAM and Mr. HATFIELD, pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO POLICE OFFICER WILLIS J. COLE

Mr. WOFFORD. Mr. President, last month, Willis J. Cole, a police officer from the small police department of New Cumberland, PA, was shot and killed during an armed robbery. I rise to pay tribute to this man who bravely served his community and protected others from harm. In the line of duty, Patrolman Cole gave "the full measure of devotion."

During his 8 years of service, Patrolman Cole received numerous letters of commendation for effective performance. Understanding the importance of crime prevention and citizen involvement, Patrolman Cole went out into his community and portrayed Mr. McGruff, the crime dog, in order to teach children and adults how to protect themselves and make their neighborhoods safe.

This short memorial can in no way adequately describe the deep loss felt by our Commonwealth, and especially by Patrolman Cole's wife, Kathleen, and 1-year-old son, Derek. His community, his family, and his department will forever remember his bravery and kindness.

Patrolman Cole took pride in his job, his family, and his community. If we are to truly honor his memory we must do no less. And we must dedicate ourselves, as Abraham Lincoln suggested, to the values for which Patrolman Cole stood.

IN MEMORY OF OFFICER SHANE CHADWICK

Mr. BAUCUS. Mr. President, pick up a newspaper, turn on the TV news, and we hear of another violent tragedy. And all too often it involves a law enforcement officer struck down in the line of duty.

Sadly, just last week, a young Montana police officer fell victim to this senseless violence. While in many communities, this would be just another sad and disturbing statistic, it is a very real tragedy for the people of Great Falls and many other Montanans.

Shane Chadwick was a young member of the Great Falls police force. He was responding to a concerned citizen's complaint about noise early Wednesday morning when he was gunned down in a dark alley.

By all accounts, Shane was a rising star on the Great Falls force. He was promoted to senior officer within 2 years of service. He leaves behind a young wife and a 4-year-old son. My wife, Wanda, and I want to express our deepest sympathy to the entire family.

This incident is a stark reminder of the kind of risks our law enforcement take each day on the job. We take them for granted. We owe each one of these crime fighters a great debt of gratitude.

Mr. President, we passed the crime bill which I believe takes some important steps toward stemming the violence. But we need to do more to stop these senseless killings. In addition to the handcuffs and prisons, we need to instill in people a sense of values and respect for life; a basic grasp of right and wrong. Much of that begins with teaching our children.

While no sense can ever be made of officer Chadwick's murder, I hope it will strengthen our resolve to put an end to violence.

DR. XIAO MING TIAN

Mr. DECONCINI. Mr. President, the national health care reform debate has been instrumental in focusing attention on alternative medicine and treatments which are not based on Western medical theory or practice. Today, I want specifically to address one approach to pain therapy which I and many other Americans have found to be more effective then our traditional high-technology and high-cost health care—acupuncture. In particular, I want to acknowledge the fine work of Dr. Xiao Ming Tian, a leading practitioner in this field.

Recently, the Washington Post's health section devoted its cover story to acupuncture and highlighted Dr. Xiao Ming Tian's successful treatment of patients with this therapy. Dr. Ming is a medical doctor and acupuncturist who blends Eastern and Western medicine in his practice. He holds the unique position of being the sole clinical consultant for the National Institutes of Health [NIH] and, on NIH request, has used acupuncture to treat some of the most difficult cases encountered by NIH doctors.

While presently Dr. Ming's principal role is to determine whether acupuncture can help individual patients at NIH, he is also assisting NIH to design controlled studies to verify the positive outcomes of the patients he has treated. He will be helping the NIH's Rehabilitation Medicine Program conduct the first study of the use of acupuncture to control pain and improve mobility in prostate cancer patients this fall. This clinical trial represents a significant step in the effort to establish the scientific grounds on which the efficacy of acupuncture treatment can be evaluated and accepted.

I can personally attest to the benefits of Dr. Ming's acupuncture treatment. Dr. Ming was recommended to me when I was having problems with neck pain. His treatments relieved my pain and I do not hesitate to join other patients who have experienced significant improvements under his care to pay tribute to him. Dr. Ming is an outstanding physician who deserves tremendous recognition for working to integrate very different approaches to pain treatment.

Dr. Ming's work with the NIH is instrumental to bringing acupuncture into the mainstream of our health care system. I can think of no better person than Dr. Ming, whose reputation as a doctor is unsurpassed, to do this. I count him among the best doctors whom I have ever used and know. The cover story in the Washington Post's health section reports nothing but glowing praise for Dr. Ming by his patients. These patients credit his treatments with significant pain reduction or other major improvements in their conditions.

Mr. President, I ask unanimous consent that the Washington Post's health section cover story on acupuncture, including the insert entitled "How One Young Patient Finds Relief From Joint Pain" regarding Dr. Ming's involvement and work in this important area of health care, be reprinted in the RECORD following my statement.

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

[From the Washington Post, Aug. 16, 1994]

ACUPUNCTURE

If all goes according to plan, a team of lawyers will walk up the steps of the U.S. Food and Drug Administration later this week and deliver to federal officials what could be the most peculiar application in the agency's history: A request by the nation's 9,000 acupuncturists to approve acupuncture needles as medical devices.

The hair-thin stainless steel needles hardly fit the standard image of a medical device. Unlike cardiac pacemakers, X-ray machines and surgical lasers—the kind of device that the FDA is used to assessing—acupuncture needles draw no energy and have no moving parts. Equally unusual, their primary purpose is to stimulate the flow of a life force called Qi (pronounced Chee) through a network of mysterious energy meridians in the body. Since neither Qi nor meridians have been scientifically proven to exist, the FDA may have a hard time judging whether the needles work.

But the agency has a stake in trying. While 29 states and the District of Columbia have legalized the practice of acupuncture, the needles themselves are still classified by the FDA as "investigational devices." This means they have never been proven safe or effective and their use is supposed to be limited to scientific studies. The FDA is well aware that despite this restriction, acupuncture needles are in widespread use. And the agency would like to avoid another controversy like the one over silicone breast implants, in which it was criticized for allowing their use without having demanded safety data.

Acupuncturists would also benefit from FDA approval of acupuncture needles. They would be assured of reimbursement by Medicaid and Medicare and by the many private insurers who do not now pay for the treatments. And it would help the fledgling U.S. profession survive the financial shakedown of health care reform; any plan that emerges from Congress is expected to be tough on a medical specialty whose major tools lack FDA approval.

But perhaps most significant, a nod of approval from the FDA would be a symbolic watershed for consumers. It would mean that an alternative medical system invoking such foreign concepts as "Qi" and "meridians" can be granted the kind of legitimacy normally reserved for mainstream medicine. It would show there is room in high-tech American health care for low-tech "nontraditional" techniques—if a technique that is 10 times older than anything in Western medicine can be properly called nontraditional.

Until recently, said David Lytle, an FDA research biophysicist, there has been virtually no data by which the FDA might judge the safety and efficacy of acupuncture. "But that's changing," he said. "And it's changing fast."

OPEN-MINDED PATIENTS

Although many scientists are skeptical about the benefits of acupuncture, the specialty has gained an impressive following in this country. An estimated 15 million Americans, or about 6 percent of the population, have tried it with varying degrees of success for chronic pain, fatigue, nausea, arthritis, digestive problems and a range of other ailments. They are participants in a 2,000-year tradition originating in China, where medical doctors still practice the art today in combination with herbal medicine and modern Western techniques. It calls for the insertion of needles ranging in length from a half-inch to three inches into any of the approximately 400 points in the skin that correlate to different organ systems. These points lay along 14 major meridians, or pathways, in the body.

Acupuncture meridians and points have no known anatomical or physiological equivalents in Western medicine, and there is no scientific evidence for their existence. But that doesn't bother the FDA, an agency that is solely concerned with safety and efficacy and has no interest in debating medical philosophy. So the plan, according to FDA physician Suzanne Parisian, is to judge the needles without regard to the theory and practice of acupuncture.

That's a feat many acupuncturists deride as impossible, since a needle is only as safe and effective as an acupuncturist makes it. Indeed, some experts have told the FDA that the agency would do better to insist simply that needles will not break during use and that packages are properly labeled with appropriate warnings.

The task of judging acupuncture needles will also be difficult because of the dearth of well-controlled published research. Unlike medical doctors, acupuncturists are not generally trained to do clinical research; one recent analysis concluded that of the approximately 2,500 acupuncture studies published in English since 1960, only 28 were designed or written in such a way as to give meaningful information to the medical community.

But things are getting better, said Monique M. Morris, a University of Southern California biostatistician who recently reviewed the record on acupuncture research for the FDA. In a few areas, she said, there appears to be evidence that acupuncture has a therapeutic effect, although many of the studies are still small.

Among the most promising uses, according to documents compiled by acupuncturists for the FDA, are:

Pain control. Acupuncture was first publicized in the American media in 1971, when New York Times foreign correspondent James Reston wrote a first-person account of how acupuncture reduced his post-surgical abdominal pain after an emergency appendectomy in China. (He had had regular anesthesia for the operation.) Since then, research in animals and humans has strengthened the case for acupuncture's potential as a painkiller.

There have been about a dozen well-controlled studies of acupuncture for pain, said John Reed, a physician at the Pain and Stress Recovery Center in Phoenix, who reviewed the data for the FDA. In studies of lower back pain, neck pain, tennis elbow, migraines, angina attacks, menstrual cramps and dental pain, acupuncture almost always worked better than a placebo treatment, and it often worked better than standard painkilling drugs, he said.

A recent pilot study also suggests that acupuncture can help people with osteoarthritis of the knee, a painful chronic joint inflammation. Lixing Lao, Brian Berman and their colleagues at the University of Maryland reported in June that twice weekly acupuncture treatments reduced pain and increased walking ability in eight of 12 patients during a two-month treatment period, and that the improvement lingered for a few weeks after treatments stopped.

How does it work? Bruce Pomeranz, a research physiologist at the University of Toronto who studied acupuncture's effects on nerves, said experiments by him and others have shown that acupuncture stimulates the production of painkilling opiates in the brain, but that other factors probably contribute to acupuncture's value as an analgesic. Both he and Reed said pain control is a well-documented benefit of acupuncture, but they warned that the difficulty of studying and measuring pain objectively may make it hard to convince the FDA that acupuncture has something unique to offer.

Substance abuse. More than a dozen jurisdictions in the United States have turned to acupuncture to help drug abusers overcome their addictions in a program called Drug Court. The program offers felony drug offenders intensive counseling and acupuncture treatments as an alternative to going to prison. The daily acupuncture sessions, which go on for three to six months, seem to ease withdrawal and reduce the urge to take up drugs again; some continue with the acupuncture even after completing the formal program.

"I was astonished at the results," said Michael O. Smith, director of the substance abuse division at Lincoln Hospital in the Bronx, where recovering addicts can be seen resting quietly with acupuncture needles in their ears. About 50 percent of the addicts opting for Drug Court in the Bronx stay in the program for a full three months of daily sessions—a graduation rate "tremendously better than any residential treatment program could imagine attaining," Smith said, and at a cost of less than $1,000 a person.

Hugh Rodham, an attorney and brother of First Lady Hillary Rodham Clinton, helped get Drug Court off the ground in Miami in 1989. He said 78 percent of the program's graduates there have gone two years without getting rearrested, compared to between 15 and 20 percent in standard drug diversion programs. "Acupuncture proved itself," Rodham said. "We've had more than 15,000 people come through our clinic who have been cured of an addiction that nobody thought could be cured."

No one knows precisely how acupuncture may be helping these drug users kick their habit. Experts said it's impossible to know, for example, how much of the program's success is due to the acupuncture and how much from the general increase in attention that Drug Court participants get. But according to researchers involved in the program, addicts themselves say the acupuncture is crucial. The addicts say the needles in the ear trigger a deep relaxation, which in turn seems to lower their craving for drugs. Some researchers suggest that increased production of the body's own opiates may contribute to the lack of craving by providing a "home-grown" substitute for an illicit drug.

Nausea and vomiting. More than half of all patients who receive anesthesia before undergoing surgery experience nausea or vomiting after awakening from the ordeal—usually a reaction to the opium-related "pre-anesthesia" drugs given an hour or two before surgery.

But there is "very compelling evidence" that a few minutes of acupuncture in the hour or two before surgery can significantly reduce the incidence of nausea and vomiting in the recovery room, said National Institutes of Health researcher Andrew Parfitt. Most of those studies have involved a single needle stuck into the so-called Neiguan point, also called P6, located about a finger's width above the crease on the inside of the wrist.

Acupuncture has also proved effective against nausea in patients taking the cancer

drug cisplatin, Parfitt said. And unlike most anti-nausea medicines, he added, acupuncture for nausea seems to cause no side effects.

Asthma and other respiratory ailments. Many acupuncturists and patients swear by acupuncture's benefits for asthma and other breathing problems. But very few controlled studies have been done in this area, said Kim A. Jobst, an Oxford University clinical researcher who in 1986 performed perhaps the best study of asthma and acupuncture in the West. Of the handful of good studies, he said, some have found no benefit while others, including his own, showed improvement as measured by "quality of life" scores, breathlessness measures and reduced dependence on medicine. Of the 16 best studies, Jobst said, 10 showed benefits of acupuncture, three showed no benefit, and in three the people who got acupuncture did worse than the controls. Although more and better studies are clearly needed, he said, "I still think this is terribly exciting"—especially since long-term use of some asthma drugs has recently been shown to exacerbate many people's condition.

Stroke and paralysis. In China, doctors typically use acupuncture on heart attack victims in the belief that it can reopen blocked blood vessels leading to the heart. In the United States, some studies suggest that acupuncture's capacity to enhance blood flow may be real, and may benefit some victims of ischemic stroke, who become partially paralyzed because of a blocked blood vessel in the part of the brain that controls movement.

Studies by Margaret Naeser at Boston University School of Medicine indicate that acupuncture treatments given two to three times a week for two to three months will increase mobility in about 60 percent of patients who have had a stroke. Acupuncture appears especially helpful when less than half of a patient's motor neuron pathway in the brain has been damaged by the stroke, Naeser said. A CAT scan given at least three months after the stroke can show how much damage has been done to that area and help predict which patients may benefit from acupuncture.

Naeser, an associate research professor of neurology, said she thinks acupuncture increases blood flow to the brain and may enhance the brain's natural ability to reorganize its own neurons in ways that compensate for the loss of other neurons in a stroke. She said researchers in Sweden and Taiwan have also found that acupuncture can increase arm and leg mobility, hand strength, balance and gait in many stroke patients.

AWAITING THE VERDICT

Notwithstanding these and other seemingly impressive results, the FDA's decision on needle approval will not be easy. The biggest problem, Parisian and other officials said, is that acupuncture experiments have varied widely in quality and design, making it difficult to combine the evidence from several studies into a single convincing case.

Researchers still don't agree, for example, on the best way to include "controls"—the comparison group of people who do not get acupuncture. Controls are a standard element in modern medical studies, but it's not clear what would constitute an appropriate control group for an acupuncture study.

Some experts say control patients should get "sham" acupuncture treatments, in which they are poked with needles in random locations. That might allow researchers to tell whether acupuncture's effects depend on a real system of points and meridians or are just a result of getting pricked anywhere. But others disagree, saying sham treatments are not true controls because they may inadvertently stimulate points that also have therapeutic potential. Moreover, the mere trauma of getting pricked may stimulate the brain to make painkilling endorphins that could fool people into thinking their condition had improved.

Indeed, some scientists believe that acupuncture is not a medical science at all but a sophisticated means of fooling the body into feeling well. They see acupuncture as a combination of pain control caused by endorphins and psychosomatic recovery caused by the power of suggestion. If "real" acupuncture works better than "sham" acupuncture, they say, perhaps that's because "real" acupuncture points have more nerve endings than sham points, thus triggering more pain, more endorphins and more relief.

"Where hypnosis works, acupuncture will work," said Victor Herbert, a professor of medicine at the Mount Sinai and Bronx Veterans Affairs Medical Centers in New York. "Ten percent of Americans are profoundly suggestible and another 80 percent are somewhat suggestible and these are the people who will respond to acupuncture."

Herbert, who went to China in 1979 with a team of U.S. doctors to investigate the value of acupuncture as surgical anesthesia, said he was disappointed by what he saw. He said even Chinese doctors screened their patients for suggestibility and only relied on acupuncture in patients who were easily hypnotized. All told, he said, "I'd prefer to use hypnosis. Nobody has ever gotten hepatitis from hypnosis."

Now the FDA must weigh such skepticism against acupuncturists' claims as it reviews the petition for needle approval. It will have to do so quickly. Unlike the case for drug approvals, which often languish with the FDA for years, the agency is required by law to rule on medical device applications within six months. That means the verdict on acupuncture needles should be in by February.

Even if the FDA approves the needles for only one purpose—for the treatment of substance abuse, for example—it will be a major victory for acupuncturists and their patients. That's because any device approved for even a single indication can be legally used for other purposes, just as medical doctors today can prescribe drugs for conditions other than those they were originally approved for.

Whatever the FDA's decision, acupuncture seems destined to grow in this country. The number of acupuncturists graduating from the nation's 47 acupuncture schools is expected to increase by almost 60 percent in the next two years, from about 850 in 1994 to an estimated 1,350 in 1996, said Barbara Mitchell, chairwoman of the National Commission for the Certification of Acupuncturists.

Harvey Kaltsas, president of the American Association of Acupuncture and Oriental Medicine, predicts that acupuncture will become a popular substitute for many medicines in the next decade.

"We have treatments for major diseases like hypertension, and we'll be competing against pharmaceutical companies," Kaltsas said. "We're not even a blip on their screen," he said, "but they're in for a surprise. They can't even imagine we are as effective as we are."

HOW ONE YOUNG PATIENT FINDS RELIEF FROM JOINT PAIN

Sixteen-year-old Margaret Clark lies face down on a bed in the nation's preeminent research hospital—the clinical center of the National Institutes of Health—where many of medicine's newest experimental therapies are first tried. But there is nothing new about the treatment she is about to get: seven stainless-steel needles, thinner than sewing pins, stuck into her legs, lower back and shoulder, in much the same way as has been done in China for the past 2,000 years.

Clark has fibromyalgia, a poorly understood disease that causes a spectrum of problems from muscle spasms to crippling joint inflammation. After years of getting bounced from one doctor to another, none of whom could treat her successfully, she was referred to Xiao Ming Tian, a medical doctor and acupuncturist who has practiced a blend of Eastern and Western medicine since arriving in the United States from China in 1982.

The Washington area is rich with acupuncturists—in part because it is home to two acupuncture colleges: the Traditional Acupuncture Institute in Columbia and the Acupuncture School of Maryland in Bethesda. But Ming has the distinction of being the only acupuncturist on call for the federal government; he is an NIH "clinical consultant," asked to use his needles on some of the tougher cases at the federal research facility. Cases like Margaret Clark's.

"A lot of doctors we went to said, 'There's nothing we can do,'" said Clark's mother, who brings the 10th grader in for treatments once a week from their home in Clarksburg, Md. "I don't know how many thousands of dollars we spent getting blood tests just to find out she had a hormone imbalance. Dr. Ming knew from looking at her fingernails she had hormonal problems."

Ming leans over his young patient and feels her bare back with his finger while swabbing his target areas with an alcohol pad. Then, with a speed that belies the accuracy of his aim, he stabs a thin disposable, four-inch needle sharply into the skin below the girl's left shoulder blade, pushes it in about a half an inch and deftly twists it clockwise and counterclockwise for a few seconds.

Clark barely flinches.

In quick succession, Ming fixes two needles into her lower back, two others into the backs of her calves and two into her ankles, again twisting them. "Feel that?" he asks. He knows he's in the right place if, when he twists each needle, his patient gets a deep sense of numbness or heaviness in the area.

"Yes," she says, "but it doesn't really hurt." Like most acupuncture patients, she describes the treatment as a series of stings and tingling sensations with an occasional electrical buzz, just short of real pain.

Clark said her joint pain has gotten better in the month since she has started getting acupuncture, as has the chronic pain in her lower back. Moreover, she said, "I used to get a lot of headaches, and they've gotten less."

Ming said there is not much that can be concluded from the assorted NIH patients he treats, since each is a single case and there are no untreated controls to compare them to. His role at NIH is to see what he can do for individual patients and then to help design controlled studies that may verify the initial results he has begun to see. The first such trial of acupuncture on the NIH campus is set to begin this fall, when Ming and NIH chief of rehabilitation medicine Lynn Gerber will conduct a study to see if acupuncture can reduce pain and increase mobility in patients with prostate cancer.

One thing that's obvious without a scientific study: Ming has the affection of his patients. Three other patients at NIH treated the same day by the soft-spoken doctor

gushed with praise for the acupuncturist and his art.

"He just knows what to do," said Tony Bonanno, a 48-year-old Beltsville guitarist and music teacher who has been coming to Ming for the past 18 months for treatment of nerve and muscle degeneration caused by chemotherapy for Hodgkin's disease. Bonanno credits Ming with a major turnaround in his condition that has allowed him to regain his strength and fine motor coordination and continue playing the guitar.

Indeed, acupuncturists in general seem to have a knack for gaining the trust and affection of their patients—so much so that some skeptics have questioned how much of acupuncture's success comes from a placebo effect. After all, who wouldn't feel better after a visit to a healer who is generous with kind words, offers a gentle touch and is much less rushed than the typical MD? But acupuncturists counter that these critics are making an artificial distinction when they try to separate medical technique from the manner or mood in which it is performed. There are many facets to healing, they say. And what's wrong with a little placebo effect if it actually helps where other techniques fail?

"I don't think about separating out, 'Here's how I am with my patient and here is what I actually do to them,'" said Hannah V. Bradford, an acupuncturist in private practice in Bethesda and co-president of the Society for Acupuncture Research, which seeks to put acupuncture on a firmer scientific footing.

"It's all part of the same thing," she said. "Being is doing in acupuncture."

ADDITIONAL COSPONSOR—S. 2234

Mr. BREAUX. Mr. President, I ask unanimous consent that Senator HARLAN MATHEWS of Tennessee be added to the list of consponsors for S. 2234, a bill to amend the Mississippi River Corridor Study Commission Act of 1989.

I would like to emphasize that Senator MATHEWS has supported the bill since its introduction and signed on as an original cosponsor. Unfortunately, the Senator's name did not appear along with the other original cosponsors as printed on the bill when it was introduced in June.

CONGRATULATIONS TO HEATHER WHITESTONE—MISS AMERICA 1995

Mr. HEFLIN. Mr. President, I was proud to join my colleague from Alabama in sponsoring the sense-of-the Senate resolution congratulating and honoring Miss Alabama, Heather Whitestone, who was crowned Miss America 1995 on Saturday, September 17. Heather's win is truly historic: As a deaf woman, she is the first person with a disability to win the crown in the pageant's 74-year history. She is also the first Miss Alabama to win the crown since 1950. Heather was clearly the sentimental favorite of the Atlantic City audience, and received a standing ovation after her selection was announced.

A 21-year-old accounting student from Birmingham, Heather is a junior at Jacksonville State University in Jacksonville, AL, where she is majoring in accounting. She is the daughter of William Whitestone and Daphne Gray, and chose "Youth Motivation: Anything is Possible" as an issue platform to highlight during her year-long reign as Miss America.

Heather's mother looked at the various options available to deaf children and decided early on that her daughter would learn to speak. She attended public school until the fourth grade, and then went to the Central Institute for the Deaf in Denver, CO, for 3 years, where emphasis was placed on the spoken word. She also learned classical ballet while studying there. Later, Heather returned to Alabama, where she graduated from high school with a 3.6 grade point average—without the use of interpreters.

Helen Keller, the legendary blind and deaf educational pioneer who grew up in my hometown of Tuscumbia, said in her autobiography:

> The mystery of language was revealed to me. I knew then that 'W-A-T-E-R' meant the wonderful cool something that was flowing over my hand. That living word awakened my soul, gave it light, joy, set it free!

Although Heather Whitestone cannot hear, she has throughout her young life used the spoken word to express the joys of her soul, just as Helen Keller did many years ago. Our new Miss America is a living testament to the triumph of the human spirit and an inspiration to those who are disabled or who have ever doubted their abilities in any way. I am proud to add my congratulations to those already given Alabamian Heather Whitestone, Miss America 1995. She is certainly proof that anything is possible.

WORLD AIDS DAY 1994

Mr. KERRY. Mr. President, December 1, 1994, will be celebrated as World AIDS Day. World AIDS Day, commemorated annually on December 1, is the only day coordinated internationally which focuses attention around the globe on actions to halt the spread of HIV/AIDS. World AIDS Day will be observed in all of the 189 member countries of the World Health Organization to encourage public support for programs to prevent the spread of HIV infection and to assist in the development of sympathetic and respectful attitudes toward people living with HIV/AIDS in our communities.

In the United States, World AIDS Day is sponsored by the American Association for World Health which is promoting the 1994 theme, "AIDS and Families: Protect and Care For the Ones We Love!"

Currently in Massachusetts, 9,260 people have AIDS. That is a horrendous statistic. But it becomes even more devastating when we realize that every number represents a human being—man, woman, or child. It also represents their families, their friends, their caregivers—the network of people whose lives are affected by this disease.

Participation in World AIDS Day will highlight and enhance the impact of independent HIV/AIDS awareness and prevention activities already organized and occurring throughout the year. I commend the American Association for World Health for its continued sponsorship and promotion of this event.

THE HEALTH CARE DEBATE

Mr. DOLE. Mr. President, 1 year ago today the health care debate officially began when the President delivered his nationally televised address before a joint session of Congress.

There can be no doubt that over the past 12 months health care has been the most debated, discussed, and dissected issue, both on Capitol Hill and committee rooms and in living rooms and coffee shops all across America.

Immediately after the President's speech I stated that Republicans are ready to work with the President to achieve the right kind of reform that built upon the best health care delivery system in the world rather than reform that destroyed it. I asked the American people to keep four key issues in mind throughout the debate. Those issues were choice, quality, jobs, and cost.

After carefully studying President Clinton's health care plan for the better part of a year, the American people have reached a conclusion. Adopting the Clinton plan would mean less choice, less quality, fewer jobs, and greater cost.

Once this conclusion became apparent, the Democrat congressional leadership did what they had to do. They went down to the White House and told the President his plan was dead. In its place however, they introduced a proposal which may not have had the President's name on the top but had many of his proposals and ideas throughout. In fact, Senate Republicans and the American people soon concluded that they had far too much in common—too much complexity, too much cost, too much bureaucracy, too much Government, too many mandates.

And as the end of this session approaches the American people are telling us in overwhelming numbers—in my State a poll indicated that about 86 to 14 percent, 86 to 14 percent—that they want an opportunity to catch their breath. They do not want Congress to try to pass a massive health care reform plan in the final hours of the session, a plan that will have had no hearings, a plan no one had the time to read much less understand.

Some in the White House and some on Capitol Hill are wringing their hands and saying "What went wrong? What happened? What happened with

health care reform?" Some will try to argue that Bob DOLE and the Republicans killed health care reform, that we are not sensitive to those without insurance, that we are not sensitive to those with health care problems.

The fact of the matter is that throughout this debate—in fact, even before it began—Senate Republicans have offered solutions to help those in need. We worked to help those who cannot afford insurance. We have worked to help get those who cannot get insurance because of a preexisting condition, and we worked to help those who lose their insurance when they lose or want to change jobs. That is called portability.

We have had a number of initiatives on this side of the aisle. First, the initiative by Senator CHAFEE and a number of Republicans, including this Republican; a proposal by Senator NICKLES, which I also cosponsored; one by Senator GRAMM; and later we put together a plan which 40 of our Republicans either cosponsored or said they would support; 39 cosponsors and one additional Member who said they could support. And I think maybe at this point it has probably more votes than any other plan in the Congress; any other plan in the Congress.

No one claimed these plans were perfect. But they were substantive proposals to improve our health care system. But they were not allowed 1 minute of real consideration. Despite the fact they would have improved coverage for millions of Ameircans they were considered by some to be too minimalist to be serious.

One year ago today I said the Republicans were prepared to work with the President and our Democrat colleagues to give Americans the right reform. I meant it then, and I mean it now. The fact is, however, that from the first day of this debate the President locked all Republicans out of the process from the creation of the stealth task force to the introduction of his bill.

I am also disappointed that the President did not respond to the suggestion I made literally hundreds of times over the past year. That was to pass a reform bill—we could have done it 6 months ago, or 8 months ago. We could have done it a year ago today—which contains many of the provisions that were bipartisan which everyone in this Chamber probably agreed on: preexisting conditions, portability, malpractice reform, let small business go together; deductibility for the self-employed, for ranchers and farmers. And these provisions would have made our system more affordable and more accessible to millions of Americans today.

Some Democrats, including the distinguished chairman of the Senate Finance Committee, have suggested the same action. Unfortunately, at this late date I now find myself agreeing with the many who have suggested the time and the public's patience are too short for us to embark on this road.

So what is the bottom line? Did something go wrong as the White House insists? Was the past year a waste of time? Did Congress fail the American people? I think instead of wondering what went wrong, it went right. The American people looked at it. They studied it. They listened. They heard the debate. And in overwhelming numbers time after time, survey after survey, they said no. They said no.

That is what democracy is all about. If somebody has an idea, you go out and test it and test it and test it. And many of us I might add, including this Senator, have backed away from the positions I may have held a year ago on health care, and individual mandates. I thought it was a good idea. Nobody else did in the Senate Finance Committee, or at least only about four. And most of the American people did not like it either.

So there are a number of provisions that many of us thought were good. The American people said they were not as good as they should be or not good at all. So it seems to me that what we have is not gridlock that defeated a Government-run health care bill, as some would have you believe. It was not a parliamentary trick that BOB DOLE had up his sleeve. And it was not the pressure tactics of so-called special interests. It was not the persuasiveness of "Harry and Louise." Anybody making those suggestions is guilty of political malpractice. It was a lot of other things.

What finally defeated the plan was the overwhelming consensus of the American people from all parts of the country, in both parties, regardless of where people lived, hardworking men and women who raise families, pay taxes, and create jobs. That is what happened. A consensus was reached after very careful study.

So we will be back with this. We are not finished with this. We know a great deal more about health care than we did a year ago. I think everybody has learned a lot, particularly those not on the Labor Committee or Finance Committee where most of the action is. I think we have learned a lot, and in greater clarity, about what the American people believe we ought to do. We ought to fix the serious problems in health care. And it seems to me that we will have that opportunity next year. We meet every year. We will be back in January, and you can bet that health care will be near the top of the agenda, no matter which party controls the Congress. Americans can count on the fact that Republicans will continue to fight for reform that guarantees the choice and quality Americans have come to expect. I will continue to oppose any health care plan to turn our health care system over to the Federal Government.

Mr. McCAIN. Mr. President, I appreciate the wit and wisdom of our minority leader, especially on that very important issue. I thank the minority leader, who is traveling to the wonderful State of Arizona, where he once attended school. He will receive a warm and tumultuous welcome there on Friday evening. I thank the minority leader.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated 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 and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,685,968,520,515.35 as of the close of business Wednesday, September 21. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,973.80.

BOYS AND GIRLS STATE PROGRAMS

Mr. PRESSLER. Mr. President, this summer young men and women across the country participated in the annual Girls and Boys State programs. These programs, sponsored by the American Legion, give students an opportunity to learn about our legislative process firsthand. At the city, county, and State levels, students learn about our electoral and judicial systems, law enforcement, political parties and platforms, and the media. By debating, holding mock elections, and meeting State officials, young people learn the fundamentals of citizenship and explore career options.

Girls State and Boys State also provide students with an opportunity to meet other young people from around their home State. It is a time for youth to test their worth and to expand their horizons. My own experiences at Boys State 35 years ago provided me with valuable opportunities and many fond memories. The friendships I formed then continue to this day.

I submit for the RECORD an editorial published in the Sacajawea Scroll, the South Dakota Girls State daily paper, dated June 2, 1993. The authors are two students from South Dakota who participated in the Journalism City program: Sonya Weiman of Canistota and

Erin Dekzer of Estelline. Their editorial column demonstrates the critical thinking skills these programs try to develop in Girls State participants. I salute all of our youth who participated in these events and hope Girls and Boys State will continue for many years to come.

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

[From the Sacajawea Scroll, June 2, 1993]

GRADUATION PRAYER VS. CONSTITUTIONAL RIGHTS

(By Sonya Wieman)

I'll make it plain and simple. I won't wimp around the issue, like some people. I want prayers at graduation.

We're all going to be seniors next year. I don't know about you, but I want my final days as a senior to be perfect. I want the gold honor cords around my neck and a signed diploma. I also want to be able to give a prayer to thank God.

This separation of church and state thing that everyone is griping about has gone far enough. Teachers make us learn about evolution and other religions in class. Isn't separation of church and state being violated? If we can't openly pray in school, then why should we have to listen to things that contradict what we know to be the truth?

On every single piece of money it says "In God We Trust" and most legislative groups start the session with prayer. Why can't we have the same rights?

If someone says we can't have prayer at graduation because of a judicial ruling, I'll put up a fight.

Whatever happened to the First Amendment's freedom of religion? A lot of people came to this country because of religious oppression. They wanted to raise their children where they wouldn't be persecuted for what they believe.

Even if my fellow graduates don't believe as I do, I wouldn't mind if they prayed their own style at graduation. If someone wanted to get down on the floor and bow to Mecca, I wouldn't care. My Christian faith conflicts with these beliefs, but I'm not so high and mighty that I won't sit through their prayers.

There is no easy answer to this problem. I wish that this issue would not be decided by the fate of nine judges. It's affecting teenagers. Why don't we get to decide? Have we no say?

I personally think if a majority of students want prayer at graduation, they should have it. It should be up to the students. After all, it will be "our day" and everything should be as perfect as possible.

(By: Erin Delzer)

Freedom of religion vs. separation of church and state: They go hand in hand.

From America's very beginning, the forefathers journey to the Americas was to escape religious persecution in England. The pilgrim ancestors built this country on the ideas later established in the Constitution.

Prayer in school has been an issue for a very long time. Now the new controversy is whether or not to have prayer at graduation. There should not be any question—prayer and religion belongs in church and at home for the simple reason that the U.S. is not only a Christian nation.

The U.S. is as diverse in religion as it is in people. The freedom of religion gives Americans the right to believe in what they want to believe in. It does not, however, give people the right to inflict their religious practices on others.

America has separation of church and state for this reason: to preserve the precious right to practice any chosen religion and not to intrude upon others' privacy. It is a violation of the Constitution when someone is subjected to pray unwillingly with someone of a different faith.

At graduation ceremonies or in school there is nothing to stop anyone who wants to take a moment to pray by themselves.

I think the problem lies with the politicians and fanatical groups who preach "family values." What these people don't realize is that they can pray in public, but there no need for everyone to pray with them.

In conclusion, I want to ask all of you a simple question. When it comes time for graduation or other special event, would you feel comfortable praying to a Muslim, Jewish, Mormon, or Jehovah's Witness prayer?

Remember this is the land where we have religious freedom—don't abuse it.

THE FACTS ABOUT CORRIDOR "H"

Mr. BYRD. Mr. President, West Virginia has been struggling for decades to recover from an economy dependent on a shrinking coal industry. Nothing is more important to that recovery and the future economic good of West Virginia than the Federal highway system which criss-crosses my State and links it with the rest of the country. Though West Virginians take great pride in being referred to as Mountaineers, that nomenclature gives some indication of what confronts travelers in my State and why roads are the very lifeblood of West Virginia. The nature of the topography of West Virginia does not lend itself to large subway systems, airports, and other modes of mass transit. Highways are the linchpin.

Over the past few days, Corridor "H", a long authorized highway system that traverses West Virginia, has come under attack. There has been a great deal of misunderstanding about this much-needed highway. It is my hope to try and set the record straight and bring some perspective to this matter.

I made the following remarks regarding Corridor "H" at the House-Senate conference on the fiscal year 1995 Transportation appropriation bill this morning, and I ask unanimous consent that they be printed in the RECORD at this time.

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

CORRIDOR H

BACKGROUND

The Corridor "H" Appalachian regional development highway located in West Virginia has come under recent attack because of what some critics contend is its unusually high drawdown of highway funding.

In order to respond to these allegations, it is important to place the Corridor "H" project in a context that all of us can understand.

Corridor "H" is one of several Appalachian regional corridors that traverse West Virginia.

In the Appalachian Regional Development Act of 1965, Congress first authorized funding for construction of this highway system. These highways were to serve the 13-state Appalachian region, which, in conjunction with the Interstate system and other federal-aid highways, would provide a highway system that would open areas on a regional basis with development potential where commerce and communication had been prohibited by lack of adequate access.

As stated in its annual report, the Appalachian Regional Commission considers construction of the development highway system, which only serves to complement the Interstate highway system, a key to an accelerated rate of economic growth for this 13-state region.

Appalachia's rugged terrain has made roads very expensive to build. As a result, early roads usually followed the topography—that is, stream valleys and troughs between mountains. The resulting highways were characterized by very low travel speeds, long distances due to winding road patterns, often very unsafe road conditions, roads built to poor design standards, unsafe short sight distances, and extremely high construction costs, which further discouraged commercial and industrial development.

As of September 30, 1993, of the 3,025 miles that were eligible for construction under the Appalachian development highway system program, 2,251 miles have either completed construction or are under construction. In other words, 74.4 percent of the road mileage eligible for construction has been completed or is underway. You will be surprised to know that West Virginia actually lags slightly behind the Appalachian average. In West Virginia, 300.7 miles of the 411 miles eligible for construction are completed or are underway—73.2 percent.

One might say that, as of the end of fiscal year 1993, three-quarters of the system is completed or underway. The glass is more than half-full. However, I must point out that this progress has been slow and arduous, following a torturous path, much like the roads in West Virginia. Congress authorized the program in 1965. Funding was first provided in fiscal year 1966. So the figures I have cited on mileage completed or underway took 27 years to accomplish. 27 years, and Congress still has not fulfilled the promise made to the people in the 13-state region known as Appalachia.

Other States have been more fortunate than West Virginia, and have actually more mileage completed or under way. For instance, Virginia, as of September 30, 1993, had almost 82 percent of its mileage completed—156 out of the 191 miles identified. New York has, of the 219.5 miles identified for construction, completed 204 miles, or 93 percent.

As stated in the Appalachian Regional Commission budget submission for 1995, "As with many other programs, the number of miles constructed for a given number of dollars has decreased sharply since the program was initially authorized, due to inflation and revised highway standards."

However, miles constructed alone does not really measure the impact of a development highway system. Its success is measured in how it allows the region to be opened for development, and how it allows for the improvement of its inhabitants' condition. I further quote the ARC budget, "A 1987 survey taken by the Commission showed that, between 1980 and 1986, 560,000 jobs were created in the Appalachian counties with a major highway compared with 134,000 jobs

created in those counties without a major highway." It is clear that the highways are the lifeline and the lifeblood of the Appalachian region.

The idea of a regional, interconnected network of highways is as vital today as it was in 1965. The National Highway System, which was created in the Intermodal Surface Transportation Efficiency Act of 1991, has the very same purpose as the Appalachian Corridor System. The National Highway System was designed to provide an interconnected system of principal arterial routes which will serve major population centers, water crossings, ports, airports, other intermodal facilities, and travel destinations, while meeting national defense requirements and serving interstate and inter-regional travel.

On this particular stretch of road, Corridor "H", I want people to understand that it is very important that West Virginia have modern, safe roads. Current accident rates on the highways in the Corridor "H" area are above the statewide average, and the State of West Virginia itself has accident rates which are far above the national average. Last year, the State ranked second in the country in traffic deaths for each 10,000 motor vehicles registered.

Because much of the State's road system was built in the 1930's, the existing roads reflect a happenstance response to topography, rather than strategic planning.

I take some pride in pointing out that, as of September 30, 1993, 74.4 percent of the total Appalachian regional highway system mileage had construction either completed or underway. This stands in comparison to the September 30, 1990, when approximately 70 percent of the system was either under construction or completed. I think this points up the fact that we are making progress in getting the interconnected regional development system done.

But the estimated cost to complete the remaining mileage is expensive. Some of the most expensive segments of the Appalachian system are before us. I point that out, only to put in context that the Appalachian regional highway system is not completed, and that it will require funding not only in this fiscal year, 1995, but will require funding in the future.

The Appalachian Regional Commission has informed me that, due to the difficult terrain, revised safety standards, and highway construction cost inflation, the cost to complete this system is ever-increasing. In their last estimate, dated June 30, 1993, the average cost per mile for the remaining unconstructed segments on the Appalachian regional highway system is $10,968,000. In West Virginia, because some of the most difficult and costly construction has been left until last, the average cost per mile of the remaining unconstructed segments is $18,473,000.

COMPARISONS TO OTHER TRANSPORTATION MODES AND OTHER STATES

I must tell you here that, unfortunately, West Virginia ranks very low in a number of transportation categories. Public transit is virtually non-existent. As I stated earlier, the motor vehicle death rate is high. And in airline service, we rank 49th in the number of air passengers per 100,000 residents. It is in the highway area that West Virginia lives and breathes.

In the Federal Aviation Administration's airport improvement grant program, over the 5-year period 1990–1994, West Virginia only received $8 million in discretionary funds and $23 in formula entitlement funds. this is much less than our neighboring State of Virginia, which received over $89 million in discretionary grants and $109 million in formula funds.

In the transit area, over the same time frame, West Virginia received a total of $22 million in formula apportionments to cover its capital and operating needs—about $4 million a year. In addition, the State received a total of $17 million in discretionary grants for the purchase of buses. Neighboring states received much more. Without including funding for the Washington Metropolitan Area Transit Authority, Virginia received six times as much in formula apportionments over the same time period.

I only bring this up because I think it is important to put these funding matters in context. People have focused their attention on this one highway, while there are hundreds of millions of dollars in the transportation bill and other bills considered by Congress for projects in other states.

By comparison, the earmark for Washington's Metro system dwarfs any funding that I have been successful in securing for West Virginia. It is estimated that, for the 103-mile system, when it is completed, the Federal government will have provided over $9 billion, and the total cost for Washington Metropolitan transit system will be approximately $12.6 billion. The Federal government pays approximately $90 million per constructed mile of Washington Metro's heavy rail system.

In addition to the capital funds provided for construction of the 103-mile Metro transit system, WMATA also receives approximately $25–27 million a year in operating subsidies. These funds are distributed to transit agencies according to a formula in the transit authorizing legislation, after the overall operating assistance cap is set by the Appropriations Committee.

I do not begrudge Washington Metro a modern and safe transit system. I do not begrudge the Dallas-Fort Worth area a modern airport. I do not begrudge Houston its Better Bus system. I do not begrudge the State of Virginia its minimum allocation program funds—funding, it should be pointed out, that I found during the deliberations on the ISTEA legislation: $4 billion not being used by the conferees that benefits 23 states. I found that money, and provided it to the minimum allocation program to bring them up to a decent level of return on the federal dollar.

The Washington Post doesn't write about the "pork" involved in funding the Metro, nor do I begrudge the people of the Washington region a transit system that provides them safe and efficient travel to and from their homes. But you must recognize that this subcommittee and the full Appropriations Committees of the House and Senate have been very good to the Washington Metro system. $200 million was included in the fiscal year 1995 transportation appropriation bill for Metro. In 1994, the system also received $200 million, and in 1993, $170 million was appropriated.

It is more money than any other transit heavy rail system. The Washington Post doesn't write about that. It is a hometown paper, and it does not write deleterious stories about projects that are important to and good for the home town.

FUNDING AND CONSTRUCTION

Let me close with a response to the Post's editorial regarding this project "banking" money. It was alleged that Corridor "H" could only utilize approximately $80 million in fiscal year 1995. The contention was that it was unfair that the project receive any more funding than that.

Many of my colleagues on the Appropriations Committee realize that it is not unusual and, in fact, that is the usual practice of this and other subcommittees that, when funding large, multi-year construction projects to provide a steady stream of funding as opposed to a particular sum in a given year for specific segments of the project.

The Committee cannot do business that way. If five or six large transit projects all came in a given year presenting construction bills for that given year, it could potentially bankrupt the subcommittee's entire allocation—the subcommittee would not have the funds to meet all of those obligations at once. So, in many cases, to better control the cash flow for new starts and highways, major multi-year projects will receive more money than is necessary for a potential point in time.

Houston Transit for many years accumulated funding before it decided on how best to spend its new starts funds. In the 1995 House-passed bill, Dallas, Texas was earmarked funding for the new North segment before the South segment has been completed. Many of the transit projects in the bill before you have unobligated balances, but these funds, as in the case of Corridor "H", will be used.

If the Committee or the Washington Post wants to focus on one fiscal year, then look to fiscal year 1996. In 1996, West Virginia is planning to obligate over $292 million for construction activities related to Corridor "H". I know that I will not be able to secure that amount of money in one year for one highway project—just as a transit property would have difficulty getting the funding to pay for all the construction activities it would be involved in a peak construction year. That is why we smooth out the funding curve: to avoid the peaks and valleys of different construction funding schedules coming due at different times. I point this out to my colleagues so they will better understand my reasons for going forward with the funding for this vital highway.

SENATE APPROACH VERSUS HOUSE APPROACH

The editorial in the September 21 Washington Post asked how fair is that the Senate's discretionary highway account represents only 20 states, where the House bill lists 108 projects in 32 states. I would like to respond to the Post and those who question the Senate's approach that the Senate, I believe, stands on far firmer ground in allocating highway dollars than does the House.

The Senate attempted to limit highway funding to only those projects that were authorized or that had received an appropriation of general funds in the past and needed additional funds to complete construction. Members of the Senate have often called for restricting the availability of highway funds to only those projects which are authorized. That was the Senate position last year. However, we found in adopting that position last year that we would have "left in the lurch" projects already underway that were relying on the Appropriations Committee appropriating general funds for completion. These included projects not included in ISTEA because they were labeled as "appropriations highways". So this year we decided to help complete these "orphans"—that much we owed them.

The House, on the other hand, has initiated a plethora of new highway projects—for a half million, one million or two million dollars. This is only opening up Pandora's Box. It will mean that the over 100 projects receiving funds for the first time in 1995 will be

back in fiscal year 1996 asking for $5 or $10 or $20 million to continue progress on their highways. The House's approach starts projects that we cannot commit to complete. Discretionary spending under the Budget Agreement will be less in 1996 than in 1995. It is not fair to some of these "new starts" projects to even start them. It whets their appetite, but we won't be able to satisfy them. Nor can we satisfy the hundreds of other requests that will pour in based on the precedent set by including these new projects.

I'm sure the House will defend their process, and believes their procedure was correct—just as the Senate believes it is correct. We approach this highway projects funding issue differently. We can point fingers and call each other wrong. However, it is only through the spirit of comity that we can accomplish anything.

It is not unusual for construction projects to have unobligated balances at the end of a given fiscal year. In fact, as some of you may know, we receive this document as part of the President's budget submission each year. It is entitled, "Balances of Budget Authority for Fiscal Year 1995." There is a chart on page 17 of this document which points out that the President estimates at the end of fiscal year 1995 unobligated federal fund balances will total $205.8 billion. Of that amount, a little over $44.5 billion will be unobligated balances for capital projects.

Now what does the President have to say about that? Page 14 of the document has an explanation which reads as follows: "Budget authority for most major procurement and construction projects covers the entire cost estimated when the projects are initiated, even though work will take place and outlays will be made over a period extending beyond the year for which the budget authority is enacted. (There are some exceptions to this requirement, notably for water resource programs.) For these programs, the unobligated balances are needed to complete the project or program. Also, these balances reflect the long lead times required for such procurement."

The fact is that Request For Proposals (RFPs) on major construction projects such as Corridor H and other highway projects cannot be issued until the appropriations have been made to cover the cost of those proposals. In other words, the West Virginia Highway Department cannot issue requests for bids on highway segments until the appropriations have been received. And once a contractor has been selected, it is not possible for the entire project to be completed in one year. Therefore, there will always be unobligated balances on highway projects at the end of any given year.

So to those who have pointed out that the West Virginia Highway Department says that only $82 million in Corridor H funds can be obligated in fiscal year 1995, I say that this is to be expected. They have failed to point out, however, that the West Virginia Highway Department has also stated that for fiscal year 1996 a total of $292 million can be obligated for Corridor H. The point is that there is nothing magic or nothing earth-shaking about the fact that appropriations for construction projects such as Corridor H will remain unobligated at the end of any particular year. In fact, it is to be expected and is well understood by anyone who deals with the federal budget.

KEEPING GUNS OUT OF SCHOOLS

Mrs. FEINSTEIN. Mr. President, I rise to urge the House-Senate conferees who are currently meeting to uphold current law regarding guns in schools by retaining the Gun-Free Schools Act in the reauthorization of the Elementary and Secondary Education Act.

Just 3 days into the school year, a student was critically wounded at a New York City high school after his assailant smuggled a .32 caliber handgun past hand-held metal detectors.

On September 7, at Hollywood High School in Los Angeles, a 10th grade student was shot and killed right in front of the school campus in an apparent gang-related shooting.

And, in the latest example of schoolyard violence, a 16-year-old girl was shot in the back while taking a nutrition break on a south Los Angeles high school football field just 2 days ago. It appears to be another gang-related shooting.

Violence in our communities—but particularly in and around our schools—is simply out of hand. And it's time for Congress to stop making excuses and to do something about it.

An estimated 135,000 guns are brought to school every day in this Nation, according to the National Education Association and the National School Boards Association.

Shootings or hostage situations have been reported in schools in at least 35 States and the District of Columbia, according to a 1990 report by the Center to Prevent Handgun Violence. And since 1993 alone, guns at school have resulted in at least 35 deaths and 94 injuries nationwide, according to a search of recent news articles done by National School Safety Center.

How can we expect our children to learn in they go to school in constant fear of being shot or killed?

Making our schools gun-free is the single most important component of the $12 billion Elementary and Secondary Education Act [ESEA] now awaiting final approval.

Let me read from some of the letters I have received in support of the Gun-Free Schools Act:

From a junior in Concord, CA:

> I hate coming to school every day thinking that I might not live through the day because of people who carry guns at school.

From a principal in Oregon:

> With the work we try to do in public schools it is virtually impossible if we live with the threat of violence and concern for the well being of our children. As a school principal, I can assure you that each day I worry about my kids at school and each parent who sends their children to us to educate and keep safe.

The Senate unanimously adopted the gun-free school amendments to require any school district that receives Federal funds to adopt a zero tolerance policy for guns in schools.

This would require every school district in America to expel a student for 1 year if they carry a gun to school. School administrators would have some flexibility to offer exemptions to this policy, but it is time to stop making excuses about guns in school.

The Los Angeles Unified School District has already implemented its own gun-free school policy—because their students were getting killed.

Seventeen-year-old Michael Ensley was shot dead by a classmate during a snack break at Reseda High School in February 1993.

Sixteen-year-old Demetrius Rice was slain in January 1993 at Fairfax High School when a classmate accidentally fired a .357 magnum during an English class.

Saying "enough is enough," the Los Angeles School District adopted a gun-free school policy.

And after the policy was in place, gun-related violence decreased by 14 percent over the previous year—and expulsions for gun possession declined 256 in 1992–93 to 166 in 1993–94.

The Los Angeles Times recently wrote in an editorial in support of this legislation:

> The (California) law governing expulsions is less severe than district policies in Los Angeles and Orange counties. As in many other states, California law allows districts either to expel or transfer students. But the mandatory expulsion policies in effect locally, rather than the more lenient state law, should become a norm in California and elsewhere.
>
> (The federal) legislation would deny federal assistance to schools that do not require expulsion of students found with firearms on campus. (The) bill allows some flexibility on expulsion on a case-by-case basis. This provision is currently part of the larger Elementary and Secondary Education Act.
>
> Both Feinstein's bill and the L.A. district's zero-tolerance policies allow school officials enough latitude to protect innocent students. For example, students who discover that classmates have, as a prank, planted a gun in their backpack or locker will not warrant expulsion. But when due process has been served, the needs of students to be safe in school must continue to take precedence.

I entirely agree, and support for this approach is growing. The American Federation of Teachers, one of the Nation's largest teachers' unions, recently voted in support of zero-tolerance provisions to protect students and faculty from school violence.

Making schools gun-free can work and it's our responsibility to hold firm that Congress will not tolerate allowing guns on school campuses.

An identical amendment was already approved as part of the Goals 2000 education bill that was approved earlier this year and passed into law. Congress has no excuse but to apply the gun-free school amendment to this major education bill that provides $12 billion in Federal funding over 6 years.

This measure sends a strong signal about school violence. The current practice of simply relocating a student to another school must end. Even a temporary suspension or short-term expulsion is not enough, and simply requiring schools to develop a policy—

the provision in the House bill—is entirely insufficient.

This measure is carefully written to define the offense clearly, give districts time to develop and/or adjust their policies, provide officials with flexibility in extenuating circumstances, and allow alternative schooling for offenders.

I thank my Senate colleagues for refusing to recede to the House on this issue, and I urge the House conferees to reconsider their position on this vital issue. I sincerely hope the conference committee will keep this amendment in the bill and that it will remain the law of the land.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

HOUSE OF REPRESENTATIVES CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993—MESSAGE FROM THE HOUSE

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

Motion to disagree to the amendments of the House to the bill from the Senate S. 3 entitled "An Act Entitled the 'Congressional Spending Limit and Election Reform Act of 1993.'"

The Senated resumed consideration of the message from the House.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 1 hour for debate with time to be equally divided and controlled between the Senator from Kentucky [Mr. FORD] and the Senator from Kentucky [Mr. MCCONNELL] or their designees.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum with the time equally charged to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, I do not think there is any issue that better sums up how out of touch the current Congress is with the American people than the question of the version of campaign finance reform that the majority is promoting.

Let us bear in mind what we are talking about, Mr. President. We are talking about creating a new entitlement program with tax dollars, the tax dollars of our citizens, to pay for our political campaigns. That is what we are talking about.

Now, I believe I am correct that the President appointed an entitlement commission chaired by the Senator from Nebraska [Mr. KERREY] and the Senator from Missouri [Mr. DANFORTH] and the suspicion is that at some point between the election and the first of the year this entitlement commission will say to the American people that at some point in the future their entitlements must be capped in some way or another.

So clearly what is going on is we are going to put off until after the election informing the American people that some of their entitlements, or maybe all of them—many of them quite popular—need to be capped in the name of controlling the Federal deficit. But here at the 11th hour we want to sneak just one more entitlement for us—just one more entitlement for us right here at the 11th hour.

This Congress is so hopelessly out of touch it is no wonder that members of the majority are even having difficulty winning their own primaries, as we saw here just Tuesday of this week—their own primaries—much less general elections. The public is literally up in arms about business as usual, and what could be more business as usual than setting up a new entitlement program funded by their tax dollars to benefit us in our political campaigns.

I have seen some survey data on this subject over the years. A couple of years ago, in Kentucky's most liberal House district, the voters found it more offensive to vote for taxpayer funding of elections than to vote to raise your own pay, and it has only gotten worse in the last 2 years—only gotten worse.

What kind of arrogant Congress would consider sticking the taxpayers with the tab for our political campaigns at any time, much less in this atmosphere? We are not getting the message around here. We are simply not getting the message.

Now, we all know what is going on here. The Senate passed a lousy, unconstitutional bill in June 1993, some 15 months ago. The House passed an equally awful, unconstitutional bill in November 1993, and since that time members of the leadership, majority leadership of the two Houses have been conferencing, if you will—not official conferences but conferencing throughout the second session of this Congress—trying to work out their differences on some of the peripheral issues such as how much are PAC's going to be allowed to participate in the political process and how you might be able to hide the fact that we are really spending taxpayers' money to finance political campaigns. Everybody is trying to figure out how to call it something else.

The whole second session of this Congress the majority has been conferencing trying to figure out how to resolve their differences.

Now, my assumption is that as health care goes down, this Congress, so totally out of touch with the views of the rest of Americans, has decided this is a great issue to bring up here at the end. So they are going to resurrect this turkey in the 11th hour after conferencing among themselves all of 1994 and try to stick the American taxpayers with the bill—one more entitlement program for us on the way out the door before this Congress becomes history.

The only gridlock that has been going on on this issue has been among Democrats all of 1994. So we make no apologies for trying to stop bad legislation in the 11th hour of this Congress. The American people have had enough of this Congress. All indications are they are going to send a new crowd up here next year, more in touch with their desires. So this crowd wants to sneak through one more thing at the 11th hour, on the way out the door, and stick the taxpayers with the tab.

Well, it will not be done easily, Mr. President. It will not be done easily.

Now, let us talk just a little bit about the history of this issue. The Supreme Court has said clearly and unambiguously, 9 to zip, that spending is speech in our society, and it said you cannot tell people how much they can talk. It is constitutionally impermissible. People from Thurgood Marshall to William Rehnquist made that decision unanimously. In this society, you get to talk a lot if you want to. Nobody can tell you when to shut up.

But the Court went on to say in the Buckley case that, if for some public policy reason the Congress concluded that maybe it was important to tell candidates they could not talk too much, they could offer a public subsidy—sort of a leveraged buyout, if you will; if you will shut up, I will pay you but it has to be truly voluntary. In other words, nothing bad can happen to you, if you say you will shut up after a certain point.

So, in the Buckley case in the mid-1970's the Court said that the Presidential system was constitutional even though it involved the use of taxpayer funding principally because and solely because no candidate was required to shut up. And, if a candidate chose not to abide by the speech limits, nothing happened to them. Nothing bad happened to them. We have had a couple of candidates that have chosen not to, even though it is an extraordinarily generous subsidy in the Presidential race, so generous that even candidates who philosophically found it abhorrent when confronted with the Federal subsidy said, "I cannot afford not to take it."

So you had people like Ronald Reagan, for example, who did not like it, was confronted with this enormous subsidy saying, "As a practical matter I cannot afford not to take it." It is a very generous subsidy.

The American people over the years, still thinking about the Presidential system which is constitutional, have learned more and more about what their tax dollars are going for. And every April 15 we have a poll, if you will, on the question of taxpayer funding of elections. It is the most extensive poll ever held in America on any subject. Every American gets to decide whether they want to checkoff $1 of taxes they already owe. It does not add to the tax bill. It is diverted away from something else, child nutrition, food stamps, you name it. It is diverted away from something else to give it to politicians to run for President. And as the American public has learned more and more about that, the participation has dropped from 29 percent of people voluntarily checking off down to 18 percent, so much so that the feeling was it was going to run out of money by the 1996 Presidential election.

So last year, against the objections of the minority, the majority raised the checkoff from $1 to $3; in other words, so that fewer and fewer people could divert greater and greater amounts of money. So now this ever-diminishing number of Americans who are willing to use tax dollars to publicly finance races can divert even more money away from programs that the rest of the population, 82 percent, might like to see the money spent on.

It is a ridiculous program. The people are voting every year. They do not like it. But it is constitutional. It is constitutional because nothing bad happens to you if you agree to take the subsidy and shut up after speaking for a certain amount.

When John Connally in 1980 said, "I just cannot as a matter of principle accept tax dollars to run my political campaign," nothing bad happened to him. He just did not get the dough. When Ross Perot, a man of apparently unlimited wealth, said, "I want to go out and speak, and I am going to pay for it myself," nothing bad happened to him. He did not lose the broadcast discount. It did not trigger any dollars for his opponent. He did not have to put a disclaimer in his ad. Nothing bad happened to him.

Ah, but alas, Mr. President, that is not what will be before us. This Congress senses that the public hates, detests and despises the notion of using their tax dollars to create a new entitlement program for us; trying to keep that down a little bit. But, of course, if you diminish the generous subsidy such as what you have in the Presidential race, who would want to shut up? Answer: nobody in their right mind.

Enter the unconstitutional features and the measures that we have debated in the Senate, and that we are likely to get back from the conference which has been meeting among Democrats since last November. That conference is probably going to give us a measure that will bludgeon people into shutting up. If they choose to speak too much, their opponents will get tax dollars to counter their excessive speech. They will lose their broadcast discount. Their direct mail will cost more. They will have to put pejorative disclaimers in their ads.

In short, Mr. President, there will be nothing voluntary about these spending limits. These speech limits will be mandatory because nobody in the majority wants to fully fund and make voluntary this measure because there is a sense out there, Mr. President, that the public will be outraged if they knew what is happening. And, of course, they would be. We have seen the surveys.

I was reading in Roll Call this morning, this very morning, a purported memo from the Republican Senatorial Campaign Committee indicating that their survey data indicated that people would be by a 70-percent margin more likely to vote against any candidate who supported any kind of taxpayer funding for political campaigns. So it is a dynamite issue.

Now that we have health care out of the way and the public has made it perfectly clear they do not want to have tax dollars pay for their health care, they want to pay for it themselves and have their own choices, now this Congress has the idea that they are going to stick them with a bill for the campaigns, right before we go out the door here at the 11th hour even though we have been in conference on this issue for almost a year. I have read article after article after article. All this year the majority has been in conference on this bill, and have been unable to reach a conclusion.

Here at the 11th hour, maybe they will get together and try to stuff it down the throats of the American people. It is not going to work. The American people are going to learn more about this issue in the course of the next few days. We want the American people to understand what has happened. This is one of those issues that does not stand the light of day. Let a little light shine in to know what is going on here, Mr. President. Let the American people understand that we want to set up a new entitlement program for us at their expense on the way out the door this year.

Oh, they are going to love it. Oh, boy, they are going to love it. They are in a bad mood out there already, and they deserve to be. It has been one disaster after another from this Congress, and this would be the crowning achievement. This would be the crowning achievement of this Congress right on the way out the door—a new entitlement program for us at their expense on the way out the door at the 11th hour.

Mr. President, we are simply not going to let that happen. We are not going to let that happen. And it is astonishing to me that anybody running for office, regardless of political affiliation, would conclude that this is the sort of thing the American people are looking for. This is the reform agenda.

When the American people are talking about reform, they would like to see the laws that we pass that apply to everybody else apply to us. That is their idea of good reform. They would like to see something done about lobby disclosure. They do not want some kind of gift legislation. All of those things are their idea of reform. But this? I have seen the survey data. They hate, detest, and despise this.

Anybody that votes for this turkey deserves to lose. This is the most out-of-touch suggestion for reform imaginable. Where do these ideas come from? Who could be this out of touch? This is some ivory tower here in Washington. These little ideas just sort of filter out of this ivory tower. You know what the attitude is. The people do not understand it. Let us do what is best.

I remember back during the health care debate one Member of the Senate said we need to do this anyway whether the American people are for it or against it; we need to do it anyway; they do not know best. I sense a little bit of that here. Let us do it for them anyway. They do not understand. And people on the other side will stand up and say, well, the Congress is for sale. Congress is for sale. And they will rail about the special interests.

You know the definition of a special interest, Mr. President. That is somebody or a group of somebody who is against what I am trying to do. That is, a group of people who is against what I am trying to do.

The groups that are on my side of a given issue are the great Americans exercising their right to support or oppose whomever they choose in political campaigns, exercising their right to petition the Congress and have their voices heard here in this great democracy. Those are the good guys. So you will hear people standing up saying: Let us cut off the special interests. Well, the special interests are groups of Americans who ban together to promote a particular point of view and who have a right to do it under the Constitution. They have a right to do it in campaigns. They have a right to sit out in front of our doors, and they have a right to raise hell if they want to.

The liberals do not like that. They want them to shut up—shut up and sit down; we know best. What is in your interest is for the Government to grow. We are going to take your tax dollars—on which you do not have a choice, and you will go to jail if you do not pay them—and we are going to spend your tax dollars the way we want to, and our last terrific idea, as this Congress

limps out of town and goes home to face the music, is that we are going to let your tax dollars pay for our campaigns. Wow, they are going to love it; they are just going to love it. And we are going to take the opportunity to make sure that everybody understands exactly what is on the drawing board here, exactly what is being perpetrated, what is being dumped on the American public here at the last moments of this session.

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

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. McCONNELL. I reserve the remainder of my time.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. BOREN] is recognized.

Mr. BOREN. Mr. President, I yield myself 10 minutes.

Mr. President, I have listened with great interest to my colleague from the other side of the aisle describe what this debate is all about. Once again, I must admit that had I not known in advance the subject we were discussing, I would not have recognized that we were debating a bill for campaign finance reform that will finally give power back to the American people by limiting the amount of money that can be spent on campaigns and allow broader participation, because to hear the remarks of my friend and colleague from the other side of the aisle, I simply would not have recognized the issue as it is now being described.

It is true that the confidence of the American people in this institution is at an all-time low. As I said yesterday, I have pondered many times why people have lost confidence in this institution and what I could do as an individual Member, because we are all trustees of this great institution, through which the American people are meant to have an opportunity to be represented and to express their views about important matters impacting our future.

I have reflected with great intensity, particularly because in a very few weeks I will walk out of this Chamber for the last time, not to return to it as a voting Member of the Senate. It has been a great privilege to serve here. These desks and these offices do not belong to us; they belong to the people. And the relationship of trust between the American people and their own Government has been strained and frayed as never before in this century. The latest polling data indicates that only 14 percent of the American people have confidence in this institution. I will leave it with great sadness. We, as trustees of this institution, have not done what we should do to restore public confidence.

One of the reasons why people have lost confidence in this institution is that they have come to feel that it no longer represents people like them—the average American at the grassroots. The same polling data that I quoted a moment ago showing only a 14-percent approval rating also found that 79 percent of the American people said, "I do not believe that Congress represents or cares about people like me."

Why would the American people feel that way? One of the major reasons they feel that way is that they look at the way campaigns are financed in this country and they see that the average American has very little ability to participate. In 1992, the amount of money spent on campaigns increased by 52 percent, up to $678 million. The average winning candidate for the U.S. Senate—and let us never forget that in over 90 percent of the cases the candidate that raises and spends the most money wins the election because they can buy the television time, they can buy the radio time, they can buy the direct mail, and they can buy the advertisements in the newspapers, without any limit whatsoever. And so the most money translates usually, and sadly, into the most votes. And more and more effort and energy is spent by sitting Members trying to figure out how they can raise that $4 million. That is just in an average-size State. In larger States, it has gone as high as $20 million, perhaps even more. The records continue to be broken. That means that if you average it out per week over a 6-year period, the average Senator has to figure out how to raise $13,000 every week for 6 years to raise the amount of money, on the average, it takes to get reelected.

Mr. President, far from fooling the people, the people are way ahead of the politicians. I must say that I think the people can analyze the opposition to spending limits, and they understand what it means.

If you are under pressure to raise $4 million—let us take a hypothetical situation—and you have four or five people, in the midst of a very busy day, come to see you in your office, and you have 15 minutes, and of the people competing for your time, one is a PAC manager who can perhaps hold a fundraiser for you in Washington, DC, and raise $200,000 for your campaign fund in one night; and also waiting to see you is a college student, who may be working on a term paper, or who may be interested in getting involved in politics himself or herself; there might be a teacher, or a factory worker, or a farmer, or a small town business person—and they certainly get overlooked here often enough, those from the small business community—they are waiting to see you, but they cannot write out a big check or host a big fundraiser; and desperate as you are to raise the amount of money necessary to win the next election if you are going to stay here and represent your people, as you want to do, you say to yourself: How will I use that 15 minutes?

Are you going to see the college student, or the factory worker, or the teacher, or the small business person? No. If you are desperate to raise that money, you are going to see the person that can raise the $200,000. Do the American people understand that? Seventy-nine percent of them say money has too much influence in politics and it takes too much time of our elected representatives, who ought to be spending their time serving the needs of the people, working on the problems that this country faces instead of figuring out how to raise more and more and more money. They understand it, and that is why 79 percent of them say that Congress does not have time for people like us.

Is it good for the political process that more and more of the outcome of elections depends on who makes the most money instead of who makes the best arguments to the people? By the way, you cannot only raise that money in the home State; you can run around the country to the money centers, whether it be Los Angeles, New York, or Miami, on those weekends when you ought to be back home walking up and down the main streets and in the neighborhoods in your own State, with the people you represent, listening to them, hearing their needs, and you are off raising the money, involved in the money chase.

The American people understand that thoroughly. And no number of speeches on the Senate floor can fool the American people about what that is doing to the political process. They also know where the money is flowing. Does it go to that new challenger, that young person in either political party, Democrat or Republican, who wants to run for office for the first time and bring new ideas and bring their idealism to this process? No, it does not go to them; it goes to the incumbent. House incumbents have outspent challengers by a margin of 6 to 1, and incumbent Senators have outspent challengers by 3 to 1. Incumbents are here and they can raise the money because those who have interest in particular pieces of legislation want to be on their good side and they want to be able to get in that door when you have only 15 minutes to give out.

To whom do the political action committees give their money? The groups that are formed to look after a certain set of narrow interests, generally, and rate Members based upon whether or not they vote with them three or four times out of five, for example. And they are issues that affect only their particular economic interests.

The political action committees in the last election gave $10 to incumbent House Members for every $1 they gave to challengers—$10 to those already

here—because they want access to those already in power; $6 to every sitting Senator for every $1 for a challenger.

The American people see that. The American people understand that. And the American people say: "I do not believe the Congress is working as it should. I do not believe it represents the people like me any more."

Mr. President, how long are we going to sit here and allow this cancer to continue? How long are we going to allow the money chase to blot the American political process? How long are we going to allow a system in which over half the elected Members of Congress are getting well over half their contributions not from the people back home at the grassroots but from people located outside their States who have very, very little, if any, connection to the people of that State and that location? How long are we going to wait, Mr. President?

We have waited until the confidence level of this Congress dropped from 60 percent to 50 percent to 40 percent to 30 percent to 20 percent to 14 percent. Are we going to wait until only 1 percent of the people in this country still believe in this body? How long are we going to wait, Mr. President? How long are we going to wait before we do something about it?

Yes, we are running out of time in this Congress. We have debated this issue for 12 years. Senator Goldwater and I, when he was still in the Senate, introduced the first bipartisan effort to do something about this 12 years ago.

Now we are told, oh, we must not rush something through at the last minute. Rush something through? We acted on it in the last Congress only to have it vetoed.

It has been well over a year since this body adopted cloture on this proposal by a vote of 62 to 38 and then passed this measure with a bipartisan majority of 60 votes, Mr. President.

Mr. President, I yield myself 10 additional minutes.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Oklahoma is recognized for 10 additional minutes.

Mr. BOREN. In addition to being concerned about what has happened to the political process in terms of the way campaigns are funded, the American people are also losing faith in this institution because they are sick and tired of partisan politics.

When I go home, what do I hear people say to me more than anything else? It is: "Why can you people not forget whether you are Democrats or Republicans? Why can you not be Americans? Why can you not get together and solve your problems like adults and work on our behalf?"

Let me tell you why we have waited months now and we are still struggling. Let me say to my colleagues on the other side of the aisle there is at this moment no agreement on this bill. We are still talking to colleagues on the other side. I can tell you why this Senator, the majority leader, and Senator FORD of Kentucky, the chairman of the Rules Committee, who have been involved in these negotiations, have not yet reached an agreement. It is because there were several Republican Senators who proposed amendments to our original bill on the floor which were adopted.

Senator MCCAIN of Arizona said he wanted to make sure that campaign money was not spent for personal use. That is a good amendment.

Senator JEFFORDS from Vermont said we want to close the soft money loophole so we can learn how different organizations are spending supposedly internal money to influence the outcome of elections. That is a basically good amendment.

We want to make sure, they said, that the same rules on political action committees to try to reduced the amount of money coming from political actions committees into this process, apply to the House Members as apply to the Senate Members. And we want to get the amount of money, the proportion coming from PAC's—political action committees—reduced. That is a good principle, and we have supported that principle.

The reason we have not yet reached an agreement is not because we are trying to pull a fast one on the other party. It is because we have been upholding some of the arguments and many of the good amendments which they offered to our bill here on the floor, and we said we will not try to come back with a partisan bill, we want to come back with a bill that will be good and fair and evenhanded to both parties.

We want bipartisanship. I know it is an election year; I know we are not very far away from the congressional elections. But in the name of God, Mr. President, on something this important can we not forget for a minute that the election is coming up? Can we not forget what party we belong to? Can we not do something good for this country and the people who sent us here? Let us try to do it.

If you want to rebuild the trust and confidence of the American people in this institution, let us show that at the end of this century, in this institution, we are for once still capable to act, to use an old-fashioned term, in a statesmanlike fashion. Statesmanship should not be out of date.

Mr. President, what is happening here, and the other thing the American people get fed up with us about, is having a set of rules that are incomprehensible and can be misused to block actions and decisions on important matters to get to conference.

I want to lay this out so the American people will understand. We are not talking about passing a bill here. That is not what we are arguing about. We are not talking about preparing or proposing what will come out of a conference committee. The House passed a bill different in its version than the Senate. By the way, I say to my colleagues, and having debated with my good friend from Kentucky many times on this issue, he says he wants less money coming from PAC's or no money coming from PAC's, our bill has no money coming from PAC's. The House bill keeps the $10,000 per PAC which now is allowed under the current law in place.

What we are debating here today is a motion as to whether or not we should accept the House amendments to our bill. The House amendments allow for the present giving of PAC money just as it is now. We cut it down from $10,000 to zero.

Do you want to accept the House amendments? That is what we are debating. The motion before us is not whether or not we are going to pass the campaign finance bill, but whether we are going to accept the House amendments. We do not want to accept the House amendments. I have not heard a single Senator on the other side of the aisle saying he is willing to accept that kind of amendment. We want to close the loophole on soft money. That is one of the things my colleague from Kentucky and I have agreed upon. Our bill did do that.

The House bill leaves many loopholes. It leaves loopholes in terms of party soft money. It leaves loopholes in terms of nonparty soft money. In fact, that was the target of an amendment adopted in our bill in the Senate—for which we have been fighting—by one of the Senators on the other side of the aisle.

As to bundling, we had a much tighter prohibition on bundling. As to lobbying, we had a provision that said a lobbyist who gives money to candidates should not be able to lobby for a year after he gave it to them. The House had no such provision.

We have heard many times on both sides of the aisle it is not right for candidates to be able to carry over huge campaign war chests from one election to the next. We limit that carryover to 20 percent in the Senate bill. The House bill has no limit whatsoever.

When it comes time to vote, how in the world can we not vote to reject the weakening House amendments to campaign finance reform? Those who want to block a vote on whether or not we reject the House amendments, are they in favor of more PAC money? Are they in favor of soft money? Are they in favor of carrying over war chest dollars?

The issue before us today is not a vote about accepting a conference report. We have not even gone to conference yet.

Mr. President, let me say to my colleagues on the other side of the aisle, and I hope they will consider this proposal that I am about to make to them, and I have spoken with the majority leader about this, under the rules those on the other side of the aisle can oppose our motion to reject the House amendments, which are very bad amendments, as I just indicated, for those who want real reform. They can filibuster that motion and debate it to death. If we cannot get cloture on that, we lose. We cannot even talk to the House. We cannot even try to come up with a bill. We cannot even make an effort. We are stopped. We are logjammed. We say to the American people they will not even let us talk.

Now if we get cloture, they can still debate for 30 more hours after they get cloture. Then what do they have to do? Mind you, this is not to pass the bill. This is just to talk to the House to see if we can bring them around to our way of thinking, the way of thinking that has prevailed by the vast majority of Senators in both parties here on PAC's, on soft money, on nonparty soft money, on war chests, on carryover, and all the rest of it.

Now, then we have to make the next motion. We have to ask the House for a conference, a conference committee to be appointed. They can filibuster that matter. They can then, if we get cloture, debate that for 30 more hours on the floor. Then, if we prevail, we go to a third motion.

The third motion is that we should appoint conferees to get together and visit with the House and see if we can work something out. They can filibuster that. We have to wait to file cloture on that. They can debate 30 more hours after we get cloture on that.

We are up to 90 hours, probably 150 hours, of floor debate just to get the right to talk to the House to see if we can work out a bill.

Then, if we worked out a bill, there is still the right to filibuster the conference report and to have additional hours after that.

Now, Mr. President, are we fooling the American people here? Is this the way to conduct the Nation's business? Absolutely not. Absolutely not. And we wonder why only 14 percent of the American people have confidence in us? If we continue to behave like this, we do not deserve a rating that high. We do not deserve 14 percent of the American people to have confidence in us. That is too high a figure.

It is time for us to confront these problems in a bipartisan, sensible, logical way, without playing political games with it.

Now, I can understand that there might be some on the other side of the aisle who might wonder: Do those Democrats, House and Senate, have some secret agreement, some secret deal that has been cooked up between them? I can assure you, Mr. President, they do not. I can assure you I will not support bringing a bill back to the Senate which does not have bipartisan support.

I am not going to violate the confidence of those on the other side of the aisle who were among the 60 who voted for this bill and among the 62 who voted for cloture on this bill. I am not going to do that. I am not going to come back here and bring a bill back that says you are going to have to accept a plan for killing this. I will not be for that. We cannot have that element of partisanship. There are not going to be any secrets. That is point No. 1.

But, point No. 2, if you are sure we do not want to go to conference until you know whether or not there has been some framework of agreement reached between the House and the Senate to give us a chance to come back with a good bill, then we will not bring a motion to appoint conferees to the floor until we can show all the Members the outlines of where we think we are going to go if we go to conference. That seems to me fair.

So I ask my colleague from Kentucky if he will be willing to consider this. I know in his heart of hearts he does not like the House provisions. He talked about public funding. The House has far more public funding in it than the Senate bill. The House allows the PAC's to continue to contribute. And the Senator from Kentucky and I have agreed that is not a good thing. Soft money, loopholes, war chest carryovers, these things are in the House bill. I think he would have to agree he may not like the Senate bill, but I think he likes the House bill less.

Surely, he can let us vote. We are not trying to seek votes on cloture at this point.

And every time I can remember since I have been here, if it happened anytime in the last 16 years, it would be only once or twice that it has not been automatic to allow us to disagree with the House and to seek a conference and then to appoint conferees. But I would be willing to wait—I have cleared this with the majority leader—in terms of seeking to appoint conferees. But let us at least get some of the housekeeping out of the way.

We should say we disagree with the House bill, and then we should say that we seek a conference with them. And then if we have not reached at least the outlines of a broad agreement that will satisfy those on the other side of the aisle—the side of the aisle of the Senator from Kentucky—who have raised different points before us, to be sure we are not sold out in conference on the PAC issues, soft money, personal use of campaign funds, a whole litany of things that have been said, then we just will not be able to appoint conferees. We will not try to go forward. In other words, we will allow people on both sides of the aisle to have some notification we have not reached an agreement.

The reason we have not reached an agreement with the House leadership is that we have been standing very strongly for amendments that have come from the Republican side of the aisle. We have tried to behave as Americans on this matter.

I would just like to ask the Senator from Kentucky, will he not let us, by consent or voice vote, disagree with or just go to a vote, instead of a cloture vote, disagree with these House amendments and let us seek a conference, but then hold the motion to allow the Chair to appoint the conferees until we know the likely framework of any agreement that might be reached in a conference?

I address that question, Mr. President, on my time to my distinguished colleague from Kentucky, if he might consider that request. I offer it in all earnestness and sincerity, and I hope that he will.

Mr. MCCONNELL. Well, my good friend from Oklahoma has made, quite passionately, I might add, the observation that the American public holds us in low esteem, presumably because we have failed to pass something like he is suggesting.

My view is, if you think they do not like us now, wait until you see how they feel about us after we pass taxpayer funding of elections.

So we essentially see the public's reaction to this kind of proposal differently.

But with regard to the specific proposal that my friend from Oklahoma raises, I think we need to talk about this issue. I am going to encourage everybody to vote for cloture. I think it is important to have an adequate airing out, so the public can fully understand what has been going on behind closed doors for all of 1994. Really, there has been a conference going on in all of 1994 among the majority to try to decide what it wanted to do. Now here, at the 11th hour, presumably there will be some meeting of the minds. My view is that the public needs to fully understand.

We had an opportunity in health care, for example, over the course of a year, to learn a lot about it. We learned a lot ourselves, and the public learned a lot about it.

I think it is very important that we have adequate time for discussion of what we may be about to perpetrate here. So I am going to encourage everybody to vote for cloture—certainly, I am going to vote for cloture—and we will have an opportunity to begin to discuss it.

Now, with regard to any conversations my friend from Oklahoma and myself might have had, we have had none on this issue this year; not a one throughout 1994.

I am happy to have a conversation with him. There will be plenty of time during the course of the rest of the day and tonight. I will be here. Anytime he wants to talk, I will surely be happy to do that.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I yield myself such time as may be required for me to respond.

Let me ask the Chair how much time remains.

The PRESIDING OFFICER. The Chair would indicate the Senator from Oklahoma has 4 minutes remaining.

Mr. BOREN. Mr. President, I will be very brief. I think the Senator from Minnesota wished to say a word, but I do not see him on the floor right now.

Let me say, I regret that we cannot just proceed ahead to vote on the proposal. This is not going to keep anyone from talking. And, as I explained the procedure before, what we are really talking about—and let us not fool ourselves—when you add up 30 hours and 30 hours and 30 hours, and filibuster and filibuster and filibuster, to even get to talk to the House, for permission to even have a conference, for trying to bring a bill back, we know how long we are going to be in session.

What is really sad is we are not going to be allowed to vote on something because of the procedures to vote on something or other.

The reason I have not had any discussion with the Senator from Kentucky about any agreement is, as of this moment, we still have not reached an agreement. I am not really as sanguine as he is that we will.

So nothing is being hidden here. We simply have not reached an agreement. And the reason we have not reached an agreement is that those of us on this side of the aisle who have been involved in the process of talking to some people on the House side have been insisting upon several of the amendments specifically proposed from the other side of the aisle so we can have a nonpartisan American solution to this problem.

So I appeal to my colleagues. No one is trying to pull a fast one here. But, on the other hand, the American people will understand if you are simply going to make us pile cloture vote on cloture vote, so there can be 30 more hours of debate. Just add that out. Just add 90 hours of floor time here. That is before we even get to have a conference with the House. That is before we even begin to debate the bill. Then we have to move to take up the conference report. That is debatable. Then we could debate the conference report. Even if you have cloture for 30 more hours and receive that, this body is scheduled to go out of session by sometime around the 7th or 8th of October. That would be impossible.

So we are not talking about debate. We are talking about killing something. We are talking about killing something that passed with a bipartisan majority in this Senate 60 votes to 38; 62 votes for cloture.

Not being allowed to have an opportunity to even look at something that is so important to look at, an issue that is absolutely a cancer, as I said, eating away at the heart of the American political process, I regret. I hope people will reconsider this decision. And, I must say, I think the American people do understand the situation in which we are involved.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 10 minutes remaining.

Mr. MCCONNELL. Mr. President, as I suggested earlier, I think this is an issue the American people need to fully understand.

We have watched, over the course of the last year, the American people begin to understand what the health care reform proposal was about. I do not think the American people are mad at us for failing to act on health care. As a matter of fact, by about a 3-to-1 majority, they are saying, "Please don't do that this year. Give it up. Go home. Leave us alone. Don't do it."

I think it is extremely important that the American people have an opportunity to fully understand—exactly. This issue has not been on the front burner. It has been off to the side for about a year. The Senator from Oklahoma, with all good intentions, has been involved in discussions that basically have been among the majority about how to work out their differences. Here we are in the closing hours of this session and they are accusing us of gridlock?

For one thing, I make no apologies for that. Gridlock is making a big comeback in this country. The American public is crying out for us not to do some of these things. They said please do not do health care, and I do not have any doubt, based upon the survey numbers I have seen, some of which I am going to share with my colleagues right now, that they are not clamoring for taxpayer funding of elections. This is really not high on their agenda. This is not what they had in mind when they talk about reform of Congress.

Just recently in my State, just to give an example, we found that 68 percent of voters would be less likely to support a candidate who voted for taxpayer financing of elections—68 percent. On the national level, independent surveys confirm this attitude across the country. A nationwide poll taken by the New York Times and CBS—interestingly enough, they asked the question in the most favorable kind of way for those who prefer taxpayer funding of elections. This is the way they asked it. They said, "Do you favor public campaign financing for congressional elections in order to reduce congressional campaign contributions from special interests?" That is about as favorable to the proponents as you could frame the question. It does not even say taxpayer funding, it says "public." "Do you favor public campaign financing for congressional elections in order to reduce campaign contributions from special interests?" We all know everybody thinks the special interests are awful unless it is the one they belong to, in which they think they are doing the Lord's work.

That question framed in a way that was the most favorable way for those who hold the view of my colleague from Oklahoma, 38 percent in favor, 54 percent against public campaign financing; the most favorable way you could possibly state the issue for those who favor the position of my friend from Oklahoma and the public opposes it 54 to 38. If you state it more candidly and make sure they understand it is their tax dollars that are going to pay for our campaigns, 68 to 70 percent.

In fact, I think this is a killer issue for the majority. I am astonished that they think this is a great idea to bring this up right before the election, thinking they are going to get some credit from the voters for this? No wonder people are getting creamed in elections all across the country.

In my colleague's own State of Oklahoma just 2 days ago—my good friend is convinced that in every case the fellow who spends the most money is going to win. We know that is not true. We know that is not true. The guy who beat Congressman SYNAR Tuesday in the State of Oklahoma spent $17,000. We are not even sure he ever showed up to make a speech. He worked around the district a lot and just basically made the point he was not an incumbent. I do not know how much Congressman SYNAR spent. I hear it was $300,000 to $400,000. His opponent spent $17,000 and won the election. And his opponent, the fellow who is now the Democrat nominee in the home State of my friend from Oklahoma, said: Money does not vote, people vote.

Money does not vote, people vote. I have been a challenger. I have been outspent and I have won. It is not automatic that the candidate who spends the most money is going to win. The key thing is whether any candidate is able to get enough resources to get his message across.

This stuff about the money chase, we have disproved that for 6 years now. I guess I will have to say it again: 80 percent of the money raised in Senate races is raised in the last 2 years of the 6-year cycle. Senators are not raising

money every day, year in and year out, for their reelections. It is just not true. They keep saying it over and over again. It is obviously not true. It is not going on. But I have to keep rebutting it every time.

Sure, sometimes people get frantic about raising money for their campaigns. Do you know why? Because they may have a contest; my goodness. They might have a contest. They might think, "Gee, I might be able to lose this thing. Maybe I better get my act together here and see if I cannot raise a little money and get my point of view across through the only way we can do it today, through the mass means of communication." There has to be money in politics. You can only get it from two places: You can get it from individuals, voluntarily contributed to the candidate of their choice, fully disclosed and on our FEC reports. Or you can take it out of the Treasury.

That is it, the only way you can do it. But there must be money in politics, otherwise there is no communication and the best known candidate wins every race without exception. So there must be money in politics.

So the question is, is it better for that money to come from individuals voluntarily given to the candidates of their choice—which is all on everybody's FEC report so if your opponent thinks you got a contribution from X, you can make X the central issue in your campaign? Or do you want to get it out of the Treasury? That is it; the only choice unless you want no communication at all, shut it all down and let the best known candidate win every time—some celebrity, sports figure, Hollywood actor. Anybody who is well known is the only person who is going to have a chance if you grind and squeeze all the money out of the process. It is nonsense. That is why virtually every academic in America is against what they are trying to do.

David Broder, not exactly known to be a conservative, but an independent commentator on the political scene, opined against every version of this monstrosity that has been produced. He thinks it is real bad for political parties. We ought to be encouraging the growth of political parties. This measure greatly hampers political parties.

So this is a measure without merit. It is a measure without merit. Having been discussed on one side only throughout 1994, the thought is that in the name of reform we pass this in the 11th hour. My view is that this should be adequately discussed. I encourage all Senators, certainly those on my side, to vote cloture so we can begin to educate the American people as to what is being suggested.

I think it is perfectly clear the American people once educated are going to say, "Please save us from this. You-all wrap up your business and come on home but do not stick us with the tab for political campaigns. We do not want any new entitlements for you." I expect they would like to keep the ones they have. And we all know that Senator KERREY and Senator DANFORTH in the Entitlement Commission may well—I do not know for sure, I am not on the Entitlement Commission—suggest, sometime between the election and the first of the year, that we are going to get a handle on the Federal deficit. "Everybody else's entitlements may have to be adjusted in some way or another in the coming years. Yet let us sneak this one in right before the curtain falls."

Mr. President, I for one, and I think there are many others who feel the same way I do, am going to do everything I can to make sure that does not happen, and give the American people an opportunity to fully understand what we are trying to do to them on the way out the door.

Mr. President, I believe we are about ready for the vote?

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma has 1 minute remaining.

Mr. BOREN. Mr. President, let me say, if you do not want to argue the main case and you do not want to argue what the case is really about, you set up a straw man. This is not a debate about public financing. The incentive from our bill is instituted from the Treasury to lower broadcast costs for candidates who agree to accept overall spending limits. It is not a tax on the general taxpayers of this country to pay for anything, in the Senate bill as we passed the Senate bill. I think it is right to allow discounted broadcast time to those who say we will not spend unlimited amounts of money. This debate is about one issue: Shall we put limits on the amount of money that people can spend in campaigns?

When I first ran for office it took $600,000 on the average to mount a successful campaign for the U.S. Senate. Then it went to $1.5 million, then it went to $3 million, now it is at $4 million. Do we want it to go to $8 million, $10 million, $12 million? Do we really believe has been good for the political process, for the American people to see that it takes more and more and more, millions and millions and millions of dollars, to run for election in this country? Is it a really good thing that more and more of those millions of dollars are coming, not from the people back home, not from people who even live in the States where the elections are held, but by PAC's, political interest groups, that are headquartered mainly in Washington, DC. That is not good, and we need to have a change.

The PRESIDING OFFICER. All time has expired.

Mr. MCCONNELL. If my time has expired, then I will, obviously, not say anything any further.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to disagree to the House amendments to the Senate bill, S. 3, the Campaign Finance Reform Act:

David L. Boren, Wendell Ford, Harlan Mathews, John Glenn, Paul Simon, Barbara Mikulski, Don Riegle, Frank R. Lautenberg, Claiborne Pell, J. Lieberman, Charles S. Robb, Chris Dodd, John F. Kerry, Tom Harkin, Barbara Boxer, David Pryor, Daniel Akaka.

Mr. BOREN. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. It is automatic.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to disagree to the House amendments to S. 3, the campaign finance reform bill, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from South Carolina [Mr. THURMOND] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] and the Senator from Wyoming [Mr. WALLOP] would each vote "yea."

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

The yeas and nays resulted—yeas 96, nays 2, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—96

Akaka	Bumpers	D'Amato
Baucus	Burns	Danforth
Bennett	Byrd	Daschle
Biden	Campbell	DeConcini
Bingaman	Chafee	Dodd
Boren	Coats	Dole
Boxer	Cochran	Domenici
Bradley	Cohen	Dorgan
Breaux	Conrad	Durenberger
Brown	Coverdell	Exon
Bryan	Craig	Faircloth

Feingold	Kerrey	Nunn
Feinstein	Kerry	Packwood
Ford	Kohl	Pell
Glenn	Lautenberg	Pressler
Gorton	Leahy	Pryor
Graham	Levin	Reid
Gramm	Lieberman	Riegle
Grassley	Lott	Robb
Gregg	Lugar	Rockefeller
Harkin	Mack	Roth
Hatch	Mathews	Sarbanes
Hatfield	McCain	Sasser
Heflin	McConnell	Shelby
Hollings	Metzenbaum	Simon
Hutchison	Mikulski	Simpson
Inouye	Mitchell	Smith
Jeffords	Moseley-Braun	Specter
Johnston	Moynihan	Stevens
Kassebaum	Murkowski	Warner
Kempthorne	Murray	Wellstone
Kennedy	Nickles	Wofford

NAYS—2

Bond Helms

NOT VOTING—2

Thurmond Wallop

The PRESIDING OFFICER. On this vote, the yeas are 96, and the nays are 2. Three-fifths of the Senators duly chosen and sworn, having voted in the affirmative, the motion is agreed to.

Mr. HATFIELD. Mr. President, I yield 1 hour under rule XXII to the Republican leader.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. I yield my hour under rule XXII to Senator STEVENS.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield my hour under rule XXII to Senator STEVENS.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I yield 3 hours under my control under rule XXII to the Senator from Kentucky [Mr. MCCONNELL].

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Under rule XXII I yield my hour to the Republican leader.

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

Mr. DOLE. Mr. President, I yield 3 hours to the Senator from Kentucky.

The PRESIDING OFFICER. The Chair would announce that the Senator from Kentucky has 7 hours.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I am not going to yield my hour to anybody. I am going to keep it and hopefully be able to use it, and use it wisely in apparently the next 30 hours. It is obvious here what is going on. Everybody is yielding their hour to the floor manager. The floor leader will have 30 hours, and then that will delay us from getting onto the business of the Senate and what the people would like for us to do. Everybody has their mind made up. Everybody now knows how they are going to vote one way or the other.

I think the vote earlier was the imagery that they did not want to be known and shown as voting against campaign finance reform, which the American people want done. But now they are going to delay the activity of the Senate by using hour after hour after hour.

I would hope that the majority leader would bring out the cots and the pillows and the blankets so that we could stay here 30 straight hours, and we would not get into all of this delay of the Senate. Tonight, while most of us would be home asleep, we could be here talking and the clock running.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Did I hear the Senator from Kentucky say we would could go away for 30 hours and come back? Did he say that?

Mr. MCCONNELL. No way.

Mr. PACKWOOD. Too bad.

Mr. President, how much time do I get? One hour.

Mr. President, I was about to say, as we start this debate, that this is not a new start. I have been in the Senate 25 years. We have been discussing campaign financing or campaign reform for all of those 25 years in one form or another.

I served 6 years in the Oregon legislature prior to coming to the Senate. We discussed it there during the 6 years in the midsixties in Oregon. We had many ballot issues. We did not have one campaign reform as I recall. But we did have one on reapportionment, and long before the Supreme Court decision in Baker versus Carr requiring basically one man one vote. In Oregon the voters had passed a constitutional amendment in the early fifties requiring it, and that was a form of campaign reform. In this case, it was political reform in the allocation of the seats.

So the issue we are going to talk about is not a new issue. In almost all of my experience in dealing go with this issue, it is usually approached not on the basis of reform as debaters really mean reform—it is almost always called that—but approached on the basis of partisan advantage or disadvantage.

This bill is no exception. The Democrats would like to pass a bill that will give them an advantage in the elections. The Republicans, obviously, would like to stop them from passing a bill that would give them an advantage in elections. What the Democrats want to do is no different than what any of the special interests—and I will get to that subject in a moment—want to do when they come to Congress. Almost all of them come and say they want a level playing field, but their definition of a level playing field is a legislated advantage over their competitors, or whoever it is they think is going to try to do them harm or do them in.

So in this case the Democrats want to pass a campaign finance bill. Let us be serious about this. This is campaign finance. Most of the other reforms—the soft money reforms, and any other reforms—by and large, I think, could be agreed on by 90 out of 100 Senators, and by 400 out of 435 House Members. But it is finance and how it is going to be financed that is the issue. That is why this bill is being hatched by the Democratic leaders in the House and the Senate. The Republicans have had no input into this.

The issue of the political action committees, that is, PAC's, that is, special interests, has been one that is intensely divisive between the leaders of the Democratic Party of the House and the Senate. You could almost see the division even within the party between the House and the Senate. The House Members are more dependent on political action committee contributions than the Senate. The Senate could get along without them. So the Senate might be willing to forego them. The House thinks they cannot get along with them, so they do not want to forego them. The reason Senators can probably get along better without PAC's than House Members is not because somehow God has endowed us with superior qualities. We may think so, but he really has not. We are better known. It is nobody's fault. We are just better known. When you are one Senator of two in your State, you are better known than your House Members, unless you are one of those unusual States that has only one House Member. If you are in a State with 5, 10, 15, 20 House Members, the voters do not know them as well, and the Nation does not know the House Members as well. And for whatever reason, Senators get on national television more than House Members. We could probably raise money easier without PAC's than House Members. More people know us individually.

(Mr. KERREY assumed the chair.)

Mr. PACKWOOD. Interestingly, even in this Senate Chamber, it was like pulling teeth to get the Democrats to give up on the issue of PAC's. It was only at the last in 1990 when we were considering the campaign finance bill then that the Democrats knew the Republicans had the votes to zero out PAC's—no PAC's, no money, and they

finally relented and went along. But they did not like it. Then, of course, we get the bill to the House in this Congress and it runs into the stumbling blocks in the House on PAC's.

I am not here necessarily to attack political action committees. I want to go back in a little bit of history as to what political action committees are. They started with unions. Back in the late forties—and my good friend, Lane Kirkland, president of the AFL-CIO, would remember this fellow, Jack Kroll, head in those days of the CIO. The AFL and the CIO were two separate organizations back then. They had not merged after their split in the thirties. Jack Kroll was the head of the CIO's political action arm. He formed PAC's. That is where the term political action committee came from.

Unions, per se, had been prohibited from giving their actual union treasury money to campaigns, I think, in 1943. So they had to find a new device to gather their money together, and the political action committee became the device. Corporations had not commonly used political action committees. They had been prohibited for decades from giving corporate money to campaigns. They had not gotten into the swing of PAC's the way the unions had for a good many years. In fact, it was not until Sun Oil, back in the early 1970's, and Federal Election Commission decisions that really legalized PAC's and attempted to regulate and structure them and make them report, to know where the money came from and where it went. So it was not until the 1970's that businesses got into the business of political action committees.

I wonder if Members who have come here and have been in the Senate for some time remember Lane Kirkland. I used to spend more time with him earlier than recently. Part of that may be due to trade, because it is interesting how the positions of the parties have changed on trade. Thirty years ago when we were doing the Kennedy round on trade, which was the equivalent of the Uruguay round now and strongly supported by organized labor and, by and large, opposed by lots of business, liberal Democrats wanted the open trade. Business had more misgivings about it. I did not know Lane then, but he, I assume, was a strong supporter of liberalized trade.

Of late, the positions have switched. Organized labor is, by and large, very protectionist and does not like freer trade. Most businesses are willing to say that, for better or worse, we are into the world community and we are going to have to compete. The barriers are coming down and let us get at it. I have a memory of being at Lane Kirkland's house for dinner one night. He was serving a wonderful dinner with a French wine. I called to his attention that this appeared to be an imported wine rather than the variety from the United States, and how did that square with labor's now protectionist position on trade. And he kind of smiled. He said that there are certain areas in which geographical advantages should not be disturbed. That was his answer on that particular subject, which I agreed with. I think we ought to follow that theory in almost everything.

The other memory I have of Lane is when we went to see the movie "Reds," a Warren Beatty movie about John Reed—Reed being the young man who had written "Ten Days That Shook the World," about the Communist revolution. He was from Portland, OR.

First, there was a wonderful opening scene in the movie where John Reed is at a black-tie banquet. I judged from looking at the background in the movie—and he came from Portland money—it was a Portland men's club annual black-tie dinner, with cigars and brandy. They say, "What is this war in Europe about," referring to World War I, and he says, "Why, profits." That is the only answer. Then the movie goes on about John Reed's background. But there is an interesting part of the movie where Warren Beatty—who, as I recall, is also the director—is interviewing people in the 1980's or late 1970's that knew John Reed personally. They are now in their seventies and eighties. I went to the movie with Lane Kirkland, and Lane knew these people. He says, "Look at that, that guy was a Communist, and we threw him out of the union movement in 1947. He still is and always was a Communist."

We owe a great debt of gratitude, and should, to the union movement. It was tough going in the mid-40's when the Communists were trying to take over the union movement in this country. And we owe a debt of gratitude especially to the leaders. They just saw what was happening, and they did not allow it. Lane must have known—I would say that maybe out of the 10 people that were interviewed that knew John Reed, Lane must have known 8 of them. Of course, he was alive then, too.

Anyway, that is an aside with Jack Kroll, who Lane probably knew quite well. Now we get up to the 1970's. We get up to the Sun Oil Company, and they have this political action committee. They were one of the leaders of the Pugh family from Philadelphia. They were trying to get businesses and corporations to do the same thing unions had been doing for roughly 30 years. The question was: How do you do it legally? We are not allowed to give corporate money, but corporate money funded the PAC and paid administrative expenses, and the law was unclear.

So we finally regularized PAC's. We said businesses can get into it.

You have to remember when we did this, this was a reform. Up until that time, allegedly, you had undercover money and money coming in in cash and people awash in cash. Who knows what kind of corruption was going on.

Political party reformers said, and political campaign finance reformers said, sunshine is the answer. Make everybody take not more than a certain amount. As I recall, we cannot take over $100 in cash. It has to be in checks. You have to account for it and file it. Anyone is nuts who does not.

We continue to have to say where it comes from. We have to list, if an individual, where they work and what their occupation is. Everybody can look at the reports and see where you are getting your money.

At the time we thought that PAC's were a decent thing, a moral thing, even though they represented a special interest.

I want to now just comment on special interest. What is a special interest? A special interest is not what you are interested in. That is an interest that is good for the Nation. Those who oppose what you are interested in is a special interest.

I have never met anybody who came here, not anybody from the Oregon Education Association, from the Oregon Cattlemen Association, not anybody from the AFL-CIO who thought they were a special interest and what they wanted was good for America.

It is not quite what Charlie Wilson said. Those of us old enough to remember, will remember he was president of General Motors, and he was the first Secretary of Defense for President Eisenhower. During the confirmation hearing, he allegedly made the statement "What is good for General Motors is good for the country." He did not actually say that, if you read the transcript. What he said is "What is bad for General Motors is bad for the country, and vice versa." What he meant is what is bad for the country is bad for General Motors; what is good for the country is good for General Motors. That is not the way it got translated.

At the end of his 4 years as Secretary of Defense, in his farewell news conference, he was asked by one reporter what he had learned. He said, "Politics hain't business." And he is absolutely right. "Politics hain't business."

We thought from a business standpoint, an intelligent standpoint, a good-government standpoint, we would create the PAC's and represent the special interests. Even James Madison understood special interests.

When you are posing it to a group of high school students or college students who say isn't it awful how special interests dominate the country, and ask, tell me what you think a special interest is? What they picture is a fat-cat in a vest, dollar signs hanging loose here, and green bills sticking out of his pocket, purchasing votes. That is their idea of special interest.

I could say, well, let me ask you. What about the National Student Association? They might say, what is that?

I say, that is an association of students, college students all over the country. They get together and they have conventions and they lobby Congress on what they think is good for the country. And, I say, is that a special interest?

They say, well, that is not a special interest. Clearly what is good for college students is good for the country. That presumes they would agree with what the National Student Association has lobbied for.

All right. That is OK. What about lawyers?

Probably the initial reaction is, bad for the country. And you do not even have to get to the special interests. They are bad for the country. I am a lawyer. I do not agree with them. But I think they would probably say that.

All right, I say, take it one at a time. Nurses? You do not want to say doctors. They might have a misgiving about that, but nurses have a good image. What about nurses? Is not what is bad for nurses, bad for the country?

I continue. Let us say that Sally is a nurse. Sally wants to get interested in politics and she would like to give $50 to a candidate who is running for Congress. She likes this candidate. Is there anything wrong with that? No. There is nothing wrong with that.

Let us say that Jim is also a nurse. Jim would like to give $50. Is there anything wrong with that? No. So it is OK for Jim and Sally to give $50 apiece. Yes.

OK; let us say the nurses at the Saint Vincent's Hospital in Portland—there are probably hundreds of them—decide they think the Oregon Legislature or the National Congress is not doing exactly what they regard as good for medicine. Jim and Sally say to their nurses: "Listen. Why don't we all pool our money, give $50 apiece, and we give it to people whom we think will vote for what is good for medicine and good for the country and good for the public?" And lots of other nurses who are not interested in politics say that is a good idea. We do not really know which candidates are the ones we ought to give to.

Jim and Sally are politically astute. They say, listen, why don't we do this. Why don't you all write $50 checks and give it to the nurses' political action committee and give us authority to spend it on candidates that we think are good for what we are concerned with?

You say to the kids, is there anything wrong with that, if Jim and Sally can give individually and Jim and Sally and all our nurses at Saint Vincent's Hospital pool their money? They respond, that is OK.

I say that is a PAC. That is a special interest.

The answer is nurses are good. The Sierra Club is good. The National Wildlife Federation is good. General Motors is bad; they have a business attitude.

Special interests are nothing more than groups who are convinced that what they want is good for the country and these people are selfish. They simply see the world through their eyes. We all do. How else can you see it but through the way you live. Your experience and your dealings, and you know problems you have that nobody else has, or whatever business or trade or occupation has, and you think things are unfair. You want the Government help to fix that.

That is the way, you see, it works. They lobby business. You are a dairy farmer, you cannot farm without dairy supports, you are a lobbyist.

You are a wheat farmer in Oregon, or a coal company in Kentucky. An issue comes up about barge user fees. Coal and wheat are heavy. Electronic gadgets are usually light in weight. So an issue comes up on increasing the barge user fees on the Mississippi River or the Columbia River, and for whatever reason the President submits a bill. The Congress thinks they want it on the basis of weight, which hits coal and wheat very hard, even though they may not be high-value cargo in comparison to 10,000 cartons of electronics goods which may weigh the same as a couple hundred bushels of wheat, but they are worth a lot more.

The coal and wheat people, a special interest, say that is not fair. The barge user fee ought to be based on value, not on weight.

Needless to say the electronics people come and say it ought to be based on weight that permits how much goes in the ship, how deep it has to go, how deep the channel, how big the lock has to be to get the boat through. That is a function of size and weight; and, therefore, things that weigh more ought to pay more.

Are either of those groups selfish? Do each of them see the world through their eyes? Sure they do. Do each of them do what they think is good for the country? Sure they do. Are wheat farmers un-American? No.

This is where your coal companies and coal unions will be on the same side of the issue. Are your coal companies immoral? No. Are the electronics companies immoral and unethical? No. They see the world differently.

They all come and they lobby us to adopt what they think is the correct position for America, that is, the position that is good for them. Again I emphasize it is because they see the world that way.

It is for us to listen to the electronics people who want a barge user fee on weight, and the coal and wheat people who want one based on value, and try to decide which is good for America.

I can assure everyone listening, I never met, in a quarter of a century in the Senate and previous 15 years in politics before that, I have never met a serious issue that did not have special interest on all sides of it. I never met a one-sided issue that had any controversy at all. Every now and then you get one. There are some.

There is not too much objection to those bills we introduce for, you know, National Diet Month. Not many people lobby against that other than those who say we are making ourselves foolish by passing hundreds of bills—Pickle Week, Diet Month, national this and that. It costs money to print them. Who cares except the association interested in diets or pickles and they are probably right. Anyway they do not lobby against you. Those bills probably do not need a great deal of special interest money to get introduced and passed and nobody cares about them.

But on anything serious we are not barren of information. We are not barren of controversy because the people are on all sides of it.

Here is what has happened. This is where Senator MCCONNELL is so correct.

In a democracy—we are a republic not a democracy—but in a free government, representing the government, how the public perceives government is critically important. And if they perceive the government as corrupt or the political process as corrupt, then it does not matter if it is or is not corrupt. If they see it as corrupt, you have got to change in order to get back the support of the citizenry.

Because if they think you are corrupt, if they think you are responsive only to money, if they think you are responsive only to special interests—which I emphasize again is not the things they are interested in. When you are responsive to what they are interested in, you are responsive to what is good for America. But if they no longer believe that, then you have to change the system. Because in a free country, in a representative government, it is not just important, it is imperative, that the public have faith that the Government is fair. The public will even accept decisions adverse to their interests if they think they have been fairly arrived at.

So from the mid-1970's, when we basically gave the charter to PAC's and said how you can collect money and how much you can give, and we limited how much they can give, we said you have to report and you have to list your address and where you work. We thought this was a step in the right direction, because now not only Sally the nurse and Jim the nurse had to list their occupations, but everybody who gave money to their political action committee had to list their name, occupation, and what offices they worked at. So you could very clearly identify it. If somebody got $2,000 from the National Nurses PAC, you knew what it was.

From the mid 1970's on, the political action committees grew and grew—

more of them, more of them, more of them—although I do not think they particularly grew just because we changed the laws.

What I have discovered is, since I came to the Senate 25 years ago, a dramatic fracturing of what you might call special interests.

When I first came here, the American Medical Association pretty much spoke for medicine. And they are still a powerful voice for medicine. But in those years, having grown up within the medical fraternity, the American College of Surgeons and the American College of Internists and all the specialties, ophthalmologists and within ophthalmologists, cataract surgeons. And while these colleges of medicine have existed for much longer than PAC's, now you will find within the medical profession differences of opinion.

As I recall—I may have the name wrong—I think it is the American General Practitioners, but I would not swear to it. There is a specialty group within the American Medical Association, that is general practitioners, who supported President Clinton's health bill. Why did they do that? Why on Earth, when you think the whole medical profession is opposed to it, do they support it? Until you realize that President Clinton's health bill put an emphasis on general practice; had provisions in it that graduate medical schools had to change their ratios of graduate students and move toward more general practitioners and fewer ophthalmologists and pediatricians. And Medicare reimbursements, the money the Government paid, was to be shifted more to general practitioners and less to specialists.

Why on Earth would general practitioners think that was good for America? They think that they are good for America, and whatever helps them, helps America.

So you begin to have this fracturing of different interest groups on to smaller interest groups. And those smaller interest groups set up PAC's. And the smaller ones, American College of Physicians and Surgeons, probably their PAC, if they have one, is not like the American Medical Association. But I would imagine all the medical specialties, like chiropractors or podiatrists, do not have all the money the American Medical Association has. Does that mean all have the same interests?

I use chiropractors. They forever wanted to be treated just like physicians. They wanted to have the same kind of reimbursement. We do not do that at this time. It is a battle that has gone on for years. Chiropractors have come a long way in terms of professional respect in the last 30 years. I can remember 30 years ago when chiropractors were regarded as quacks by a lot of people.

But when it comes down to a battle of inclusion or exclusion from Government payments for health, there is still a battle between chiropractors and nonchiropractors. And so, on that particular practice of the health industry, you are going to have a split.

Another example is dentists. And I understand why. As health insurance grew in this country, the first thing we covered was what you might call general medicine. We did not cover eyeglasses and hearing aids and dental. And as health plans grew over the years—this was in the late forties, fifties, and sixties—we began to include more auxiliary medical services that we might not call primary services, although for the life of me it would seem to me dental is a primary service, but we did not. Gradually, we did.

However, the dentists are now afraid that if we start to narrow the amount of money that a company can pay for your health premium, if a company is now paying $400 a month to a family premium and we were to pass a law that says if they contribute more than $250 they will be taxed on it, what the dentists fear is that, if that passes, what will be cut out is dental care. You have to get down to $250; sort of last in, first out. We just got dental coverage in 5 or 10 or 15 years ago. Then we have got to go back to $250 instead of $400. Out goes dental care.

So they are opposed to that kind of provision in the bill. Understandably.

Special interest? Sure it is. Un-American? Not a bit.

What has happened, as these groups have multiplied, the quantity of money, quantity that has been given in politics, has increased.

It is not the only thing that has increased. When I was a kid, I used to be able to go to the Saturday movies for a dime—two double features, three cartoons, a serial that ran for 15 weeks with Pauline on the tracks every Saturday when the serial finished. And you had to come back next Saturday to see if Pauline was off the tracks. And usually between the movies some barker from the local toy store would call out the number from a ticket stub and give away two cartons of model airplanes. We got all of this for a dime.

Then, during the war years, they put on a 10 percent tax and that went to 11 cents; almost broke my allowance. Then somehow it got to 16 cents. And we know what movies cost now, even for kids.

Do we spend more money now on movies than we used to? Sure we do. Do we spend more on campaigns now than we used to? Sure we do. Do we spend too much on campaigns? And I will get to that point in a while—do we spend too much on campaigns? I do not think so. For the moment I will put that aside.

Everything has gone up in cost. When I first ran for the legislature in 1962 in a district that was a Republican district, we elected four Republicans. We ran in a field in those days. You did not run Jones versus Smith. You ran in a field. And the district elected four. The top four Republicans received the Republican nomination and the top four Democrats received the Democratic nomination. And in the general election, you ran in a field and the top four out of the eight of us won.

I ran for a Republican nomination. There were four Republican incumbents, so to win I had to finish in the top four and therefore bump out one of the Republican incumbents. I was 30 years old, never ran before.

I ran second in the primary. I ran first in the general election, though I had never run before. My primary campaign cost me $700. The entire general election campaign, as I recall, cost me about $1,500 to $2,000 in a district that was an urban district, about 4 miles in one direction about 3 miles in the other if you squared it off, with about 160,000 people in it, so it was not a small district.

Today that district has been carved up into four little districts and the cost of running, if the district is contested—if the district is a piece of cake it does not cost as much—but in a contested district today in Oregon it would not be unusual to spend $25,000; in California you would spend $250,000 to run for the State legislature; in the Senate district you would spend half a million or a million. So has it gone up? Yes. As movies have gone up, as everything else has gone up. I bought my first new car in mid-1965. It cost me $2,200: A Chrysler product. Today to buy roughly the same—equivalent product would cost me about $18,000. Everything has gone up. And these so-called special interests have arisen and helped finance our campaigns.

Is there anything wrong with Sally and Jim and their nursing friends aggregating their money and, instead of Jim giving you $50 and Sally giving you $50, Jim and Sally and their nursing friends get together and they give you a check for $2,000? Is there something laudable about a person giving you the $50 that becomes immoral, unethical, corrupt, when the person giving you $50 joins with his or her friends, gathers their $50's and gives you $2,000?

The public has apparently come to the conclusion that is wrong. I am not going to quarrel with that. Republicans have said, fine. Much more than the Democrats, the Republicans have said, fine, let us get rid of that kind of contribution. That does not mean get rid of special interests. People who are in the dairy business will still have a special interest in cows. We see that now, with this new hormone that makes cows give more milk. There is a split in the dairy industry as to whether we should produce more milk or not. There is a split among people who think the hormone is dangerous and if

any grocery store carries the milk they will picket the store. This splits even the dairy industry; a special interest but not a unit.

But the public somehow thinks the aggregation of this money is evil. And the analogy you could think of in terms of business might be this: A service station is fine; 100 service stations are fine; but when all of the service stations are bought up by Mr. Rockefeller and he controls the oil and the pipeline and the refinery and the service stations, that is not fine. That is an aggregation that is dangerous because it allows one person to have too much power over the oil business. So, because of Mr. Rockefeller and others who, very frankly, moved this country rapidly from 1850 to 1900, the Hills and Harrimans in the railroad industry, the Carnegies in the steel industry—we passed the antitrust laws. We said individualism is good, little business is good, but at some stage little businesses become so big—but more important, so dominant—that they strangle opportunity for others to come along.

So we break them up. We broke up the tobacco combines, we broke up the oil combines. It does not necessarily have to be nationwide. These antitrust laws can apply to a local area. You can have a local business that can dominate the particular business in that area, and it can be broken up. And that is the only analogy I can think of that justifies this, other than the public thinks this is corrupt and that is a good enough reason to break them up; that perhaps if Jim and Sally give you their $50 individually they are giving it because they believe you. They do not think you are going to be bought for $50. They believe you because you have been supporting the nurses and you believe in the nurses. But, somehow, when Jim and Sally become the equivalent of political action committee Rockefellers, that is dangerous.

OK, let us take it as a given. The aggregation, the concentration of power in the hands of directors of political action committees can be dangerous. I am not arguing that it is. I am saying it can be perceived as dangerous when you have a political action committee that has $500,000 and their Washington lobbyist is pretty much the sole voice who is deciding how this $500,000 is going to be given out—he gives $5,000 to you and $5,000 to me and $1,000 to somebody else—does that buy access? Does that buy influence? Is it not terrible? This is Jim and Sally, now, 5,000 times over. We must stop that, it is said.

Fine, the Republicans say. OK, let us stop it. And on this floor we had to drag the Democrats, kicking and screaming, to stopping that. They accused us of being beholden to big business, and we said, "Fine, get rid of big business PAC's."

"Well, we did not mean that, actually. We did not mean that kind of reform." But they had no choice in the Senate because we had the votes and there were enough Democrats who were going to vote with us that if they did not do it, we would have won it. As I say, the Senate is not as dependent on PAC money as are the House Members.

I will give you an example. In the last election—I am able to raise a fair amount of money in elections—but in the last election I raised $8,100,000 for my election in 1992; 16 percent of it came from political action committees. I could get rid of the 16 percent and I would still have a perfectly adequate amount of money to fund my campaign. So it is easy for me to say get rid of PAC's. In the House, as I recall the figures, of the average Members, over half depend on the PAC's and if you say to that average Member get rid of PAC's, it terrifies them. "Where am I going to get enough money to run?"

Well, we now come down to the partisan advantage. Do not ask me why, I do not know why: Republicans are able to raise a lot more money in small amounts than are Democrats. Small amounts: Direct mail, $10, $15, $20. It has worked for us. It does not work for the Democrats. I do not know why it does not work for the Democrats. The Democratic National Committee, the Democratic Senatorial Campaign Committee, the Democratic Congressional Campaign Committee all send out mail, and they make some money. They do not hold a candle to us. I do not mean big money, I do not mean money that is trying to buy access. I mean hundreds of thousands—millions of contributors who will give us $10, $20, $30.

So we say to the Democrats, "OK, let us get rid of the political action committees. We will go just with small money." Terrify the Democrats? You bet it does. They cannot raise small money. They are dependent on the PAC's.

You think to yourself, I wonder why? Until you realize something. Most of the PAC's do want something from government and the Democrats like government. Republicans really do not like it. We tolerate it, we suffer it, but we really do not like it very well and we sort of wish it would go away. But it is not going to go away so we have to live with it also. But the Democrats really love it. They love regulation. The more regulation the better.

I am generalizing now. This is not true of the Chair. But I am generalizing. I would say this as a rule of thumb, Democrats do not like capitalistic acts between consenting adults.

They have misgivings about it and it ought to be regulated because these consenting adults are not able to take care of themselves and most special interests want the Government to legislate something that will favor them.

I want to emphasize again, they do not think this is bad for America. They think favoring them is good for America, and the Republicans are more inclined to say, "Go away, don't ask Government to do anything for you." They say, "I want Government to do something." Democrats say, "Government will do something."

So these special interests give more money proportionally to Democrats than they do to Republicans. Much of our money comes from these smaller donors who really are not asking much, except they do not like Government. They give it to us. It is understandable when you are drawing a campaign finance bill that each party wants to draw a bill that will favor their strength.

Democratic strengths is PAC's, special interest money. Republican Party strengths is small money, scores—hundreds of thousands of small contributors. Do we have big contributors? Sure. We are less dependent than the Democrats and it is more easy to give up. The public thinks they ought to be given up anyway, because they think they are an evil influence.

So that is the background of the bill we are on. There are lots of other things in these bills I think both parties can agree to. Soft money. How can I best describe the way this works? Here is an example.

The law says that an individual can only give me $1,000 in an election—$1,000 for the primary and $1,000 for the general election, $2,000. A political action committee can give $5,000 in the primary and $5,000 in the general, $10,000, although the average political action contribution is about $2,500, not $10,000. But in the campaign in which I raised over $8 million, all but 16 percent of it came from individuals, whether or not a political action committee gives me $2,500 or $5,000, never mind one way or the other, I can get along without it. Frankly, when you are in the midst of a campaign, you do not have time to keep track of who is giving. You do not know who is giving anyway. But I can get along without it.

In that same $8 million that I raised, I had about 152,000 contributions. Every contribution was $49.36. So can you raise money in small amounts? Yes, you can raise it in small amounts. People actually want to give to politics, but they do not voluntarily do so. It is sort of like giving to church. They know they ought to. Until the reverend comes to the door and says, "Bob, you weren't in church the last two Sundays, you haven't contributed"—you maybe just do not voluntarily do it, but when the reverend asked, you do it.

I discovered this years ago, it is sort of like selling insurance. If a candidate will go out and rap on doors, "Hi, I'm BOB PACKWOOD, I'm running for the State legislature, here is what I stand for, will you contribute $10 for my campaign," one voter in five will. If you ask them to and spend 5 or 10 minutes with them, they give you money.

Do you know what I discovered? They give you money. You write down their name, address, and telephone number once they give $10, and they are giving you $10 because they heard your campaign coffee, or heard you on a radio debate—someplace—and they believe in you. Once they have given you the $10, they will probably come out on Thursday night and work on the telephone bank for a couple of hours, probably help you on Saturday morning putting up lawn signs because they believe in you. And the Democrats have less confidence than the Republicans that we can raise that kind of money. So they want to keep the PAC's. And this bill may or may not founder between the Democratic leadership in the House and the Senate on that issue.

Let me get off PAC's for a little. You can see the difference and you can understand the partisan difference why.

The second thing the Democrats really want to do is fund our campaigns with taxpayer money—public financing of campaigns. They like the way we finance the general election for the President now, partially matching funds—Federal campaigns get public money—one reason is it builds greater confidence in the country.

Take a look at the confidence level, the President's approval ratings and how the ratings have been for 10 years. Gee, if this is what we get for the Presidential races, we ought to get out of those races. They like taxpayer financing of campaigns. This is an issue I would not mind going to the public with in this campaign.

Taxpayer financing of campaigns would be what we call an entitlement. An entitlement is a Government program that gives you money without any continual passage of laws. Social Security is one; Medicare is another.

The Presiding Officer is the chairman of the Entitlements Commission, and he is doing a good job. Entitlements are coming close to wrecking this country financially where we promise money to people and we say it will come forever unless we change the laws.

Try to change the laws once people get money and they expect it is going to keep coming. If we say we have decided to change policy, you are not going to get as much money anymore—that will not work.

So I would be happy to go to the country and say, "The Democrats have one more new entitlement for you and it is us. You are going to give us money. We do not have enough money to fund the School Lunch Program. We do not have enough money for the Women, Infants, and Children Program. But we have one new entitlement program that is critical for the country, and it is us. You are going to fund our campaigns and it is an entitlement." If you run, get the nomination, you are going to get a set amount of money. The Republicans very much do not like that.

The Democrats next say, is there some way we can get out of this appearing to be doing what we are doing? We will not give money. We will instead give you vouchers which you can give to television stations, and the television stations can turn them in for money. It is not quite the same as giving us money.

Or we will give all candidates reduced mail rates. It does not seem like money, subsidized mail rates. If it costs the Post Office 25 cents to deliver a letter, and we say to candidates, "You can mail all you want for 10 cents a letter," who do you think pays the 15 cents? The taxpayers do.

These are all variations of public financing of campaigns. And if the Democrats cannot even get that, then the next thing they want to do is put on a spending limit. But that is unconstitutional under a Supreme Court decision in the midseventies, unless you tie it to public financing. The Supreme Court has said you cannot limit the amount of money a candidate can spend. It is free speech, and it is unconstitutional. Unless we amend the Constitution, you cannot do that.

But you can say to a candidate, "We can't limit what you spend, but we'll make you a deal. If you will take public financing, if you will take some money from the Federal Government, a condition of your taking it for the campaign is that you will not spend more than a certain amount of money." In my mind, it borders on a constitutional endorsement. But additionally we say, "If you don't do that, if you think free speech is such you won't take any money from us, we are going to say to your opponents, 'If you spend all the money you want way beyond the limit we think you ought to spend, but you are allowed to do it because you don't take any money from us, we will give taxpayer money to your opponent the equivalent amount you spend.'"

Now that is a whale of an inducement to say, "I finally give up. Give me the taxpayer money."

If you succeed—I want you to picture what is going to happen—if you succeed in passing a bill the Democrats would like, they would finance about half of our campaign out of public funds and the other half we would collect from private funds. Whether or not we have political action committees, I do not know, but there would be a limit on how much you could collect.

Let us say in running for Congress you can spend $500,000 and the Government will give you $250,000 and you raise the other $250,000, but if you took the first $250,000 from the Government, you could not raise or spend any more than $250,000. What is the logical way that you are going to go about raising that money?

You are going to raise it in the least expensive, quickest way possible. Is that going knocking on doors and saying, "I am running for Congress. Would you give me $5." You knock on 10 doors; you get $50. You knock on 50 doors, you get $250.

Is that the quickest way to do it? Absolutely not. The quickest way to do it is go to the organizations under the law that can give you the biggest amount you can get from PAC's, special interests. Democrats want to keep them in this bill. And if you can raise $250,000 from the PAC's, instead of giving you $5,000, giving you $2,500, you are going to get a hundred PAC's and get $2,500 apiece and get it as quickly as possible, and nobody else can give you any money. Forget Sally and Jim; they can only give you $50. We do not want them anymore. They are out.

I suggest to Democrats, if they want to do something good for this country—I have been advocating this for years—pass a bill that does nothing more than one thing. Limit campaign contributions to $100. That is legal. I do not care if you get it from PAC's or not—$100 is all you can get.

What is going to be the effect of that? One, it is going to dramatically reduce campaign spending for at least five elections because in getting used to receiving $2,000 or $3,000 or in some cases $10,000 and suddenly all you can get is $100, campaign spending is going to go down on both sides right away for the first few elections.

Two, in all likelihood, you would have to collect most of it in your own State. And the reason being that now when the Washington lobbyists can collect all of this money, this $500 for PAC's, they give it out $5,000 here, $2,000 here, $3,000 here, to the candidate in Idaho, North Dakota, or Nebraska. They kind of size those people up and say, well, these people may not get elected and we will help them. Now, this national organization collected this $500 from all of their members in Florida, in Maine, Minnesota, gathered it here, but the people in Florida and Maine and Minnesota do not likely know the candidate in Nebraska or Idaho, and if you had to collect that money individually, a candidate running for Congress in Idaho would not collect much in Florida. So you would have to raise most of it in your own State from people who knew you.

Then do you know what the ultimate irony would be? The advantage would be not with the incumbent. The advantage would be with the home State challenger who is in the State all year long because politics still is personal and you can inspire your people if you are there day after day. If you are in Congress and you are here 10 months a year—I am from Oregon. There is no direct flight to Oregon. It takes me 7 or 8 hours to get home, 7 or 8 hours to get back, and it is just not practical to fly

home on a Friday night, be there Saturday, and fly back on Sunday. If I am running, and I am running against our Secretary of State or the Oregon attorney general or State legislator—that is all I was when I ran for the Senate, but you are there all year long. You will collect more money in $5, $10, $15, $20 contributions at home than the incumbent Senator will 3,000 miles away. You may not have all the money you want, but he does not either.

So I will make you this final bet. Our goal should be to encourage people to give small amounts to campaigns, because if they will give, they will be interested. They will participate. I will make you this bet. Given five campaigns—that is 10 years—you could get 30 million people in this country to give an average of $50 apiece to politics, and I do not mean give it to their PAC; I mean give it to their candidates, that would be $1.5 billion. I am talking about Federal campaigns, $1.5 billion for Federal campaigns in an election cycle. We spent roughly half that in the last election cycle. I say it would be good for this country and good for democracy. If we could get 30 million people to give $50 apiece—double the spending that we now spend on campaigns, but 30 million people who had a commitment to a candidate, who believed in a candidate, who gave because they knew the candidate and would work for that candidate and would become involved in the campaign and involved in politics in a way that you do not become involved now when you give your money to the PAC, and you certainly do not become involved now when you give your money to the Federal Government and they give it to the candidate. You do not have any sense of connection. Part of the time, they end up giving to the candidate that you never supported in the primary and you do not like and you wish they had never gotten the money.

So could we do it? Yes. Could the Republicans do it better than the Democrats? I think so. Which is why the Democrats do not want to do it. But which would be better for America? Now, again, the parties believe in their side.

I leave it to you. Which would be better for America, campaigns financed by 30 million people of $50 apiece, which, of necessity, would probably require, I will take a guess, between 75 and 90 percent of all the money you raise you raise in your own State, or a hybrid system that the Democrats would like which would keep political action committees, which would have partial taxpayer funding of campaigns and spending limits. And I think America would conclude: I do not like the Government too well. I certainly do not want the Government picking my candidates, and I think I kind of like that system where PACKWOOD said you cannot give more than a hundred bucks, which the average would be about $50. And having given my $50, I will go down Thursday night and make phone calls for 4 weeks for a couple hours for my candidate. And I will help put up lawn signs, and on election day I will sit at the polls and watch as voters come in and check off the ones that have not voted, and at 4 o'clock get the list of those who have not voted and call them up and see if I can get them interested.

That is what politics ought to be. If the Democratic bill passes, politics will never be that. It will be one more Government entitlement, taxpayer funded program which will further cause disillusionment in this country.

So, Mr. President, do I feel strongly about this issue? You bet I do. Do I think that our side is good for America? You bet I do. Do the Democrats on the other side think theirs is good for America? I think so. We each think that the way we see America is the way it ought to be governed. But on this issue, I would wager the Democrats would not want to put their program, which is my suggestion, to a national referendum.

I thank the Chair for listening. I thank my good friend from Kentucky for giving me this time.

I yield the floor.

The PRESIDING OFFICER. The Senator's hour has expired.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I wish to briefly thank my friend from Oregon for an absolutely great presentation and summary of the issues that divide us. I wish to thank him very, very much for coming over.

Mr. PACKWOOD. I thank the Senator and congratulate him on the job he is doing.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, let me begin by calling the attention of the Senate to the fact that always, always, always, when we speak of campaign reform, we speak exclusively of campaign finance reform. When a bill reaches the Senate floor, it is a bill which purports to reform campaign financing, not campaigns. When the media talks about campaign reform, the media speaks exclusively about campaign financing. When various citizens groups address themselves to the questions of campaign reform, they address themselves exclusively to the question of campaign finance reform. And so within the deliberations of the Congress and within the discussions in the public at large, campaign finance reform has become confused with campaign reform.

(Mr. CAMPBELL assumed the chair.)

Mr. DANFORTH. All we do is talk about campaign finance. I believe that this is a mistake. I believe that is unfortunate because it is the opinion of this Senator that a lot can be done to reform campaigns in the United States, not necessarily by acts of Congress. But a lot could be done to reform political campaigns. Yet, our attention has been diverted almost exclusively to campaign financing. That seems to me to be a mistake. It seems to me to be a diversion from where our attention should actually be.

When people talk about campaign finance reform they generally talk about two different subjects. They say first of all, "Well, campaigns cost too much," and then they say, "Well, the problem with campaign financing is that those who contribute to campaigns are buying access to politicians." With respect to the second of those assumptions—that is, to contribute to a campaign is to buy access—that is an issue that has already been addressed by Congress, and it has already been addressed in a way that has been incorporated into our laws because we already have placed in the laws limitations of what individuals or political action committees can contribute to a campaign. That has been done. So now an individual can contribute $1,000 to a primary election and $1,000 to a general election, and that is it.

Some people say, "Well, people who contribute to campaigns are buying access." Well, in a State like mine the cost of a Senate campaign is approximately $5 million and a limited contribution of say $2,000, which would be the most an individual could contribute, would be pretty much lost in a $5 million campaign. So I have never believed that this accusation that people are buying access is true. It certainly is not true under today's circumstances that are of very limited campaign contributions.

The first assertion that people are making is campaigns cost too much. That is a just a very bald assertion. People say there is a problem with modern campaigns. They are too expensive. Everybody nods, oh, yes, that is true. But it is an argument that is never substantiated. There is no further analysis. It is simply an assertion. We all know that campaigns cost too much money. "Don't we?" "Oh. Yes. Right. Yes. They do. They cost too much. Sure do." And that is the end of the discussion.

If you really probe people and say, "Well, what do you mean by that? Please explain. You say that they cost too much. What is the problem? What problem exactly is it that you are trying to get at when you say that campaigns cost too much?" This is said by politicians often, Members of Congress: "Well, I have to spend too much time raising money. I have to go to fundraisers."

Mr. President, consider that complaint. "I have to go to too many fundraisers. That is an inconvenience. I

have other things I would the rather do than go to fundraisers." That is true. I would rather go fishing any day than go to a fundraiser. I would rather be home with my wife eating dinner than go to a fundraiser. But to say that is hardly to place around your shoulders the mantle of reform in saying campaigns cost too much. Inconvenience to Members of Congress or to a candidate for Congress is not the stuff of a reform movement. Staying out of rooms in the Hyatt Regency Hotel where nice little hors d'oeuvre are served is not the stuff of reform. So the assertion that it is inconvenient for us as politicians to raise money does not make us reformers. It simply makes us fishermen or family people. But it does not make us reformers.

Then I suppose people could say, "Well, it takes so much time raising money that it interferes with our ability to do our job." Mr. President, where is the evidence for that? Where is the evidence for that? What political scientist has given us a study that our hours are too few because we are raising too much money over too much time? Where is the evidence that the country is suffering because of that? What does it matter to the average citizen of Colorado, or Missouri if every night in the week I am going to a fundraiser? How does the Government suffer? What is the argument for that? Does it reduce the total amount of hours that we are spending governing? I do not think it does. It might mean that we are in later at night. But I do not think it reduces the total number of hours that we are in that we are working. But if you ask the average citizen, "Well, do you believe that it is the essence of political reform to increase the number of hours that Members of Congress are doing something?" I think most people would say "No. We think reform would be to send Congress home." I believe that is what most people would say. And therefore it seems to me difficult to argue that the assertion that campaigns cost too much is anything more than a bald rhetorical statement without any substance whatsoever. As a matter of fact, if we were to restrict the total amount that is spent on a political campaign, obviously the influence of those who are contributing per dollar is increased.

So if we look at campaign finance reform in the original sense of trying to make politics cleaner, preserve politicians from corruption from contributions, then obviously to the extent that the total amount that is spent on a campaign is reduced, the value of each individual contribution is increased. The cost of a Senate campaign in Missouri now is roughly $5 million. Under this legislation, it would go from $5 to $2.5 million, to half of the total amount of spending. Therefore, each dollar that would be contributed would be twice as valuable to a candidate, as a proportion of the whole.

So one could argue that this bill works against the goal of trying to contain individual contributions. Some say, well, at least it would be a reform if candidates had the same amount of money to spend. Would that not be a reform? Maybe that is the purpose of this legislation. If we reduce the amount that candidates could spend, then there would be greater equality.

Well, now, is that a reformer's principle, or is not that another way of saying that one candidate has more support than another candidate and we do not think that is fair; we do not think it is fair for candidate A to have more support than candidate B? We in Congress have decided that. It is not fair. It is not fair for candidate A to have more money to spend, and we might also add that it is not fair for candidate A to have more campaign workers, more enthusiastic campaign workers, more people manning phone banks, or more newspaper editorial support; it is not fair.

So I think that what has happened is that we have identified campaign reform with campaign finance reform. But if we look at campaign finance reform, the substance is not there. It is merely an untested assertion—conventional wisdom that somehow we are going to reform politics by limiting the amount of money that is spent on campaigns.

When we speak of reform, that very word has a nice ring to it. Reformers are good people. Reform is a good thing. Therefore, campaign finance reform must be idealistic. It must be good. This must be a battle between idealists and politicians. This must be a defining issue between people who believe in reform and people who are against reform—good and evil. That is what this debate has to be. I want to be a reformer. And if I am in the public, I want to support reformers, not antireformers.

But, Mr. President, we look at this debate, and it turns out that there is a dividing line in the U.S. Senate, indeed in the Congress, and where is the dividing line? I am standing on it. I am standing on it. It is right down the center of the center aisle of the U.S. Senate. It is a dividing between Democrats and Republicans. Democrats, by and large, almost all—maybe all, I do not know—are for this legislation, and Republicans, almost all of them are against this legislation.

Does that strike us as strange? Do we really believe that Democrats are idealists and Republicans are a bunch of sleazy politicians? Do we really believe that the Democrats are the good guys and the Republicans are the bad guys? How can it be that on a campaign finance reform bill Democrats are for it and Republicans are against it? Democrats are on one side and Republicans are on the other side. How can that be? What is the explanation? Is it that they are good people and we are bad people? Is it that they really are reform-minded and we are not reform-minded? No. That is not the explanation. It is not the explanation.

The explanation of the party division on this legislation is that campaign finance reform is a quagmire of politics. The very issue is a quagmire of politics. The very issue of campaign finance reform departs rapidly from generalized principles of good government to an unseemly scramble by two political parties to obtain an advantage over each other through the writing of the rules of campaign finance reform.

Therefore, how does this work out? Well, the Democrats believe that Republicans can raise more cash than they can raise. Therefore, the Democrats are for capping the amount of cash that can be raised by a campaign. The Democrats believe that they can get more in-kind so-called soft money contributions than Republicans can get. Therefore, Democrats are against capping soft money contributions to a campaign.

What is the Republican position on this weighty issue of campaign finance reform? Well, believe it or not, the position of Republicans is that we as a party believe that we can raise more money and, therefore, we are against capping cash contributions. But we are not as good at getting the soft money contributions, so we want to control, to cap, to restrain soft money contributions.

So much for idealism. This is a scramble for political advantage. It is a scramble among politicians. It is a scramble between political parties for an advantage.

All of us are proceeding, of course, under banners waving proclaiming that we are reformers. We are not reformers. We are politicians. And we are seeking a leg up.

Some businessman of the 19th century—I do not know who it was—I think it may have been Mr. Vanderbilt who said, "All I want and all I ask for is an unfair advantage over my competitor."

That is all we asked for, and we will call it reform.

It is unseemly. It is politics. It is hardly reform.

Now, Mr. President, I said that, in my opinion, there is a lot of room for reforming political campaigns, but I do not equate campaign finance reform with campaign reform. I think that the emphasis on campaign finance reform is totally misplaced and that it diverts attention from the real problem.

And what is the real problem? What is the real problem in political campaigns? Is it how money is raised? No. The real problem is not the funding of political campaigns. It is the format of political campaigns. That is the problem. The problem with political campaigns is that they have become almost

exclusively 20-second sound bites and 30-second commercials. That is the problem. It is not how the commercials are paid for or who pays for them, it is the fact that that is all there is. I do not argue that we can abolish the 30-second commercial or the 20-second sound bite. We cannot constitutionally.

But the problem is that that is virtually all there is in political campaigns. Nobody talks in longer allotments of time. Everybody is getting off one-liner zingers. The 30-second commercial is good for almost nothing but to trash your opponent. And what we need if we are really serious about reforming political campaigns is probably nothing that can be brought about by law but it can be brought about by candidates and it can be brought about by the media if it wanted to do it. It can be brought about by the editorial writers. And it can be brought about by public pressure. And that is to create an atmosphere in this country where candidates are forced to face the public in longer time allotments.

Mr. McCONNELL. Mr. President, will the Senator yield on that point?

Mr. DANFORTH. Of course.

Mr. McCONNELL. It is this Senator's impression that the marketplace is producing a kind of revulsion to those ads and moving candidates at least in the direction of launching unsubstantiated negative attacks at their own risk.

So I want to agree with what the Senator is saying. I think the public is beginning to get sick of what they view is unsubstantiated charges. I think it is a very good point, and I just wanted to commend the Senator.

Mr. DANFORTH. I thank my friend from Kentucky and I hope that is right. But I am not sure. I mean, this is the campaign season and we have seen the commercials. They have not struck me as being particularly elevating.

But back in April 1992, Mr. President, six Members of the Senate, three Democrats and three Republicans, appeared on Ted Koppel's evening program "Nightline". We appeared on that program for the purpose of turning the heat up under the three Presidential candidates in the 1992 election, President Bush, then Governor Clinton, and Mr. Perot.

What we wanted was for those candidates, individually, individually to appear for 1 hour on "Nightline" and be grilled on the subject of what you intend to do about the budget deficit for 1 hour.

We even proposed who the grillers would be. We said that Senator Rudman and Senator Tsongas should do it, people with expertise on the budget and strong feelings about it. We wanted each candidate to be there, one on two, and be questioned on the single subject of what do you intend to do about the budget, and why did we suggest that? It was because we believed that the budget deficit was the cancer in this country and the time had come to do something about it. And we believed that candidates should have to face up to it and they were not facing up to it. They were ducking it and any candidate can duck anything in a half-minute.

And anybody can duck anything in the standard political debate format where you have 2 or 3 minutes or whatever it is to respond to a question. Mr. President, in our line of work, every politician can speak for 2 or 3 minutes without saying a thing. We are trained to do it, but try sitting someone in a chair for an hour and being peppered by knowledgeable questions on the subject of exactly what do you intend to do, and that would do more to transform the public debate than anything else. That was one format idea on Nightline, and I am sure there are countless others, but the fact of the matter is that somehow we have to reform campaigns so that they are something more than merely 20-second sound bites and 30-second commercials.

Senator Bob KERREY and I are the chairman and the vice chairman of the President's Commission on Entitlements. Talk about a pending national calamity. This is it. Because, Mr. President, if nothing is done to control the growth of entitlements by the year 2012, not that far away, 18 years, in our lifetimes by the year 2012 all of the tax revenues of our country, all of them, will be taken up by four entitlement programs plus interest on the national debt and there will be nothing left for anything else.

And yet candidates in 30 seconds get away with saying, "Oh, I will tell you what to do about the budget deficit, pass a balanced budget amendment." I will tell you what to do about the budget deficit. Cut congressional pay. Cut foreign aid. But by the year 2012 you could abolish Congress, close down the buildings, turn the Capitol Building into a pigeon roost, shut down the Pentagon, close down the Armed Forces, close the Justice Department, shut down the prisons, shut down the courts, nothing for highways, nothing for bridges, nothing for airports, nothing for anything, and all of our tax revenues would go to entitlements plus interest on the debt. That is where we are leading. And candidates get away with saying, "Oh, we will cut the congressional pay." It is baloney. And they win elections and they run their 30-second commercials against anybody suggesting we should do something about the entitlements.

Joe Doaks is for cutting Social Security, Joe Doaks is for cutting Medicare. And they win elections that way. And that is the way it is going to be unless candidates are smoked out. And the way to smoke them out is to compel them to speak to the American people and to their constituents in longer allotments of time. That is real campaign reform and that is what we should be talking about, not this grotesque scrambling for political advantage between two parties both of whom are proceeding under the banner of reform.

Turning to the bill before us, what is the heart of this bill? The heart of this bill is that it would restrict the amount that a candidate can spend on a campaign. That is the heart of the bill—to restrict spending by candidates.

Mr. President, to restrict spending is to restrict speech. It is to restrict political speech. And all of us who serve here know that. We know it. We know that the reason for going to fundraisers, for raising money, for bringing in money for political campaigns, is to go on television with our message. That is the reason for doing it.

When we send out our fundraising letters, we say we have to go on the air with our message. That is how it is done now. It is not done in whistle-stop campaigns. It is done on television. That is where the money goes in political campaigns.

Now there is sort of a first dollar or the first dollars that are raised in a political campaign that have to go for certain things—the travel of the candidate; keeping the candidate lodged and fed; hiring a certain number of staff people; paying rent. But over and above that amount, everything—everything—is for communicating with constituents.

So if there is a lid put on how much is spent, if the amount that is spent is collapsed, is pressed downward, the amount for the basic overhead would be, probably, approximately the same. And virtually all that we would be doing by reducing the aggregate amount to be spent on a campaign would be to reduce the quantity of political speech.

All of us know that. All of us who have campaigned know that. We know that the point of raising money is to communicate with our voters. We know that from our experience. That is what the Supreme Court held in the case of Buckley versus Valeo. The Supreme Court held that political contributions, political funds, are the equivalent of political speech. That is what they are. That is the premise of Buckley versus Valeo; that to control or restrict the spending of political funds in a campaign is a restriction on political speech.

And I might say that if we are to be in the business of restricting political speech, if there were some constitutional way to do that, then it seems to me that it is inherently unfair that those who are making decisions about how to restrict political speech are people who are holding office in Congress. There are 535 of us who are going to make this decision and we have all

kinds of differences—male/female; old/not so old; Democrat/Republican; liberal/conservative, and everything in between. All these different people here and we only have one thing in common, only one—all of us are incumbents.

So 535 incumbents are making decisions about restricting political speech in campaigns. We are not against restricting all speech. No. We are only interested in restricting pesky speech. I mean where it comes to other kinds of speech, we want that.

We want television in the Senate. And if we want to get on television and not be on the floor of the Senate, we have several options:

We can go upstairs, one floor up, and we can go to the press gallery, which is right here. I could be there in 2 minutes flat, before the cameras.

Or, if we want, we can go down to the Senate recording studio. Now that is in the basement. That may be 2½ minutes away.

Or—and I do not know what situation the Democrats have, but we Republicans have our Republican conference facilities, radio and television facilities. That is great.

And then of course, we have our news secretaries, helping us put out the word. Oh, we are into political speech in a big way: Newsletters; the works—communicate with the voters. But there is but one kind of speech is that we are talking about restricting—pesky speech; the speech that occurs right before elections.

Why would we want to restrict that? Because we have a monopoly on the other kind of speech, but the other guy has a chance in campaign speech, so let us restrict it. And that is exactly why this has been called the incumbents protection act. Clearly, it is of benefit to us.

Well, that is an aside.

But more important, of course, is the constitutional point. And this really is important, because this bill is not even close to passing constitutional muster—not even close.

The Supreme Court has held in Buckley versus Valeo that spending limits restrict the quantity of political speech, and therefore spending limits are unconstitutional.

Now, we have arguments and say, "Wait a second. That does not seem right. I mean we have decided that what candidates spend should be equalized."

Well, the Supreme Court expressly dealt with that argument and said, no, that is not an excuse for infringing on the constitutional rights to communicate.

Or we say, "Wait a second. The cost of campaigns is growing too fast." Well, the Supreme Court was faced with that argument too, expressly faced it, and decided that issue. No; no excuse. That is not an argument. The Supreme Court held that spending limits restrict the quantity of political speech and therefore spending limits are unconstitutional.

However, there is a footnote in Buckley versus Valeo, a footnote; footnote 65. It is not only a footnote, it is what lawyers call dictum. It is not essential to the holding of the case. It suggests that if there were voluntary limits on campaign spending—voluntary—that might be all right.

So, there has been a scramble to try to figure out voluntary limits. And one form of voluntary limits, said to be voluntary, believed to be voluntary, held to be voluntary, is: If a candidate says I will not spend more than x amount, then the candidate can get public funds, public funding for campaigns. That is how Presidential campaigns work. A Presidential candidate may elect to limit the total amount of money and draw support furnished by the tax checkoff from the Treasury of the United States for the candidate's campaign. That is said to be voluntary. The practical problem is it may be voluntary, but it is expensive and we have a budget problem and everybody knows it. So we cannot do it that way. We cannot just say here is more money from the Treasury for candidates.

Senator MCCONNELL has called this proposal an entitlement program for candidates. That is what it would be. If you are a candidate, you get money from the Treasury; you are entitled to it. We do not have that money.

So in this legislation there is a different scheme, and here is the scheme. The scheme is you, the candidate, make the decision on whether or not you want to comply with the limited amount of campaign spending. You make the decision. But if you decide you do not want to comply, there are certain consequences of that decision. One consequence is that, if you are not going to abide by the limits, then everything that your campaign raises, all the contributions, are taxed at the highest corporate rate, 35 percent. We will punish you, we will tax you at the maximum corporate rate. I will not belabor this point, but to say to somebody, "You are free to decide any way you want but, if you decide it the wrong way, we will take 35 percent of your money," is not a voluntary decision. It is a coerced decision.

The American Civil Liberties Union has a memo on this subject. Mr. President, I ask unanimous consent this memorandum by Robert S. Peck, the legislative counsel of the ACLU, be printed in the RECORD at this point.

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

The ACLU opposes the proposal of Senator Durenberger to tax the campaign receipts of candidates who do not agree to voluntary spending limits as an unconstitutional infringement of First Amendment rights. *Buckley* v. *Valeo*, 424 U.S. 1 (1976), held that the imposition of spending limits on electoral campaigns violate the First Amendment by limiting the quantity, depth and reach of political speech. To be constitutional, the Court held, limits must be voluntary—hence, S. 3's rhetorical adhesion to "voluntary" spending limits. Any formulation that coerces compliance with a statute's suggested spending limits would fail the *Buckley* Court's criteria for voluntariness. Thus, a candidate must "remain[] free to engage in unlimited private funding and spending instead of limited public funding." *Republican National Committee* v. *Federal Election Commission*, 487 F. Supp. 280, 284 (S.D.N.Y.), *aff'd mem.*, 445 U.S. 955 (1980).

Senator Durenberger's amendment would tax only those who choose unlimited private funding and spending, as they are constitutionally entitled to do, and thus runs afoul of the Constitution. The Supreme Court has long held that the government cannot require people "to pay a tax for the exercise of that which the First Amendment has made a high constitutional privilege." *Follett* v. *McCormick*, 321 U.S. 573, 578 (1944). In doing so, the Court was not writing on a blank slate but reflecting some of the historical forces that led to the writing of the First Amendment.

The Framers of the Bill of Rights were intimately familiar with the history of taxes imposed to discourage or suppress disfavored speech. The system of licenses that limited press freedom in England during the 17th century was succeeded in 1712 by a parliamentary tax on newspapers and advertisements. Known derisively as "taxes on knowledge," the levy had the effect of curtailing circulation and thus the reach of publications that commented and criticized the policies of the Crown. In 1785, Massachusetts traveled down that same road and imposed a similar tax. This approach was soundly rejected by those who proposed and saw enactment of the First Amendment. The father of the Bill of Rights, James Madison, called the English view that allowed people to punish as long as they paid penalties for what was deemed improper or mischievous to make a "mockery" of expressive freedom. Elliot's Debates 569 (1937 ed.).

Relying on this history in 1936, the Supreme Court struck down a Louisiana tax on publications that printed advertisements and had a circulation above 20,000. *Grosjean* v. *American Press Co.*, 297 U.S. (1936).

The Durenberger amendment similarly taxes the exercise of a First Amendment right. The Court has said that the "power to tax the exercise of a privilege is the power to control or suppress its enjoyment. Those who can tax the exercise of [a] practice can make its exercise so costly as to deprive it of the resources necessary for its maintenance." *Murdock* v. *Pennsylvania*, 319 U.S. 105, 112 (1943) (citations omitted). Such a tax cannot stand, for the power to impose a tax on the exercise of a First Amendment right "is indeed as potent as the power of censorship which this Court has repeatedly struck down." *Id.* at 113. In the *Murdock* case, where a tax on the distribution of religious literature was struck, the Court found that the use of a tax to suppress the dissemination of views because they or the method by which they were propagated were not in favor amounted to "a complete repudiation of the philosophy of the Bill of Rights." *Id.* at 116.

Approval of the Durenberger amendment would be a similar repudiation. It penalizes and inhibits a candidate for exercising his or her constitutionally protected rights. As the Supreme Court has observed repeatedly, giving sanction to such a system "would allow

the government to 'produce a result which [it] could not command directly.' Such interference with constitutional rights is impermissible." *Perry* v. *Sindermann*, 408 U.S. 593, 597 (1972) (quoting *Speiser* v. *Randall*, 357 U.S. 513, 526 (1958)).

Moreover, any system of taxation that burdens the exercise of First Amendment protected rights bears "a heavy burden on the State to justify its action." *Minneapolis Star* v. *Minnesota Commissioner of Revenue*, 460 U.S. 575, 592–93 (1983). "In order to justify such differential taxation, the State must show that its regulation is necessary to serve a compelling state interest and is narrowly drawn to achieve that end." *Arkansas Writers' Project, Inc.* v. *Ragland*, 481 U.S. 221, 231 (1987). No such compelling interest can support the proposed taxation of political committee revenues.

First, the Supreme Court has already rejected all proffered rationales to impose spending limits or burden the candidates' rights to spend freely from their own private funds. Second, because the Court has recognized that spending is an indispensable condition to effective political speech, the decision to spend is the exercise of speech. To discriminate between candidates on the basis of that decision amounts to unconstitutional viewpoint-discrimination. The Court has observed that "the First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others." *City Council of Los Angeles* v. *Taxpayers for Vincent*, 466 U.S. 789, 804 (1984). The proposed tax squarely violates this bedrock principle by picking and choosing between the candidates who will suffer this penalty. It once again proves the maxim articulated by Chief Justice John Marshall observed on behalf of the Supreme Court early in its existence that the power to tax is the power to destroy. *McCulloch* v. *Maryland*, 17 U.S. (4 Wheat.) 316, 427 (1819).

The Durenberger amendment should be rejected. Like the tax struck down in *Grosjean*, it is "a deliberate and calculated device in the guise of a tax to limit the circulation of information to which the public is entitled in virtue of the constitutional guaranties." 297 U.S. at 250.

Mr. DANFORTH. Mr. President, I know former President Bush used to criticize what he called card-carrying members of the ACLU. I confess I used to be a card-carrying member of the ACLU. But I think this memorandum is exactly right. It begins by saying, "The ACLU opposes the proposal of Senator DURENBERGER to tax the campaign receipts of candidates who do not agree to voluntary spending limits as an unconstitutional infringement of First Amendment rights." And then the memo goes on to explain why. Basically the reason is it is coercive.

In fact, it is very much like the typical criminal statute. The typical criminal statute does not say you are forbidden from doing this or that. It simply states the elements of an offense and says there are certain penalties that attach to that offense. That is precisely what this legislation would do. It spells out what the offense is, spending more than a given amount of money, and it imposes a penalty if that amount is exceeded. It is very much like a criminal fine.

Then the legislation goes on and says, furthermore, not only are you taxed, if you do not comply, 35 percent while your opponent is not taxed, but if you spend any amount over the maximum amount that we say you should spend, the Treasury of the United States is going to start writing checks to your opponent. And the first check is going to be a third of the amount that your opponent is allowed to spend.

Consider this basic structure. If you are a candidate and you do not comply with the congressionally determined spending limits, First you are going to be taxed, and second, your opponent is going to receive a very large check. Ask yourself if that is a voluntary system. Ask yourself if it could possibly be constitutional.

Consider the following analogy. Let us suppose that in a city there are two newspapers and that we in the Congress decide that we as politicians know how much political commentary there should be in the newspapers and that some newspapers are spending too much of their resources on political commentary. We would rather them spend their money on the sports page and funny page. So we are going to create a situation where newspapers that print too much political news are going to be taxed and those that do not spend more than a given amount, a set amount, will be paid money. So in the hypothetical city, paper A is taxed and paper B receives a check from the Government based on how much they are talking about politics. Could anybody argue that such a scheme would be constitutional? Clearly it would not be. It would be laughed out of court.

And I believe that is the situation we are in right now. I think this constitutionally is a laughable proposition. I might say that Roll Call, which is, of course, the Capitol Hill publication—I would not call it exactly a bastion of conservatism—Roll Call wrote an editorial on June 21, 1993. Roll Call concludes, "The version of campaign finance reform passed by the Senate is a miserable piece of legislation. Its key provision—the compromise that made cloture possible on Wednesday—is outrageously unconstitutional."

And it goes on to say that it taxes speech and that it is a "cynical abomination." That is what Roll Call says about this legislation.

Mr. President, I ask unanimous consent the editorial from Roll Call be printed at this point in the RECORD.

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

[From Roll Call, June 21, 1993]

SENATE SECURITY ACT

The version of the campaign finance reform bill passed by the Senate last week is a miserable piece of legislation. Its key provision—the compromise that made cloture possible on Wednesday—is outrageously unconstitutional. Why would Senators pass a bill that so blatantly restricts the right of free political speech, as the Supreme Court clearly defined the right in *Buckley* v. *Valeo*? Partly, to rescue themselves from the political liability of failing to pass a campaign bill but, more importantly, to keep their own seats warm and secure.

The amendment that broke the logjam, sponsored by Sens. James Exon (D-Neb) and David Durenberger (R-Minn), replaces the public financing provisions of the original Democratic bill with a tax on contributions. In the Buckley decision, the High Court ruled that the government cannot limit what a candidate may spend on a race because to do so would violate First Amendment free-speech guarantees. So the original bill set up a scheme to entice candidates to accept spending limits "voluntarily." The deal was this: If you agree not to spend more than $600,000, then the taxpayers will provide you with $200,000 of that, gratis.

Senators understood, however, that public financing (which some opponents were calling "food stamps for politicians") could be poison at the ballot box. So the Exon-Durenberger measure got rid of direct public financing and instead made this deal: If you accept the spending limits and your opponent does not, then your opponent's donation will be taxed at the top corporate rate (34 percent now, and rising) and the proceeds go to you.

This cute maneuver is doubly unconsitutional—not only does it limit campaign spending (i.e., political free speech, according to Buckley) through coercion, it actually taxes that speech—forces candidates who, in effect, speak too much to pay the government (and ultimately their opponents!) for the privilege.

The Senate bill also removes the last pretense that this "reform" legislation is anything more than an incumbent-protection bill. Under Exon-Durenberger, if both the incumbent and the challenger agree to accept spending limits, then neither gets a boost in fundraising through public financing. So incumbents get to have their cake and eat it too. First, challengers are coerced into not spending more than incumbents (and they need to spend more just to get even!), and, second, challengers have to fend for themselves in raising money to get to the limit.

This newspaper did not think all that highly of the original Democratic campaign reform bill, but the cynical abomination the Senate passed last week is far worse. We admire those, like Sen. Howard Metzenbaum (D-Ohio), who stood on principle, continued to back true public financing, and voted "no" on Exon-Durenberger. We still believe that the simple, elegant solution to the campaign finance conundrum is free broadcast time for all candidates—a system in place in every other democracy in the world. This idea should have broad, bipartisan appeal, except for one little problem: It puts challengers on an equal footing with incumbents.

Mr. DANFORTH. Of course, when you start getting into the business of penalizing people for spending too much, there are all kinds of ways to penalize them. One is a disclaimer that would be required in the campaign commercials of nonconforming candidates. Nonconforming candidates would have to put in their commercials the following language: "This candidate has not agreed to voluntary campaign spending limits." So you are buying a commercial, and the commercial is 30 seconds long, and you have to consume 3 or 4 seconds of the commercial with this added language.

It is compulsory political speech, incidentally. And, furthermore, it is compulsory political speech which could be construed as being self-critical of the candidate. That is not a voluntary system. This is coercion. It is in there for the purpose of coercing candidates.

There is a mail discount. There is a special broadcast discount for complying candidates. If you comply with the congressional mandated limitation, you will be able to send your mail out at a cheaper rate than your opponent. If you comply, you will be able to run your political broadcasts at a lower rate than your opponent.

Viewed from the standpoint of the complying candidate, that might be viewed as a reward, similar to what was apparently approved in a footnote in Buckley versus Valeo. However, let us not view it simply from the standpoint of the complying candidate. Let us view it from the standpoint of the candidate who is not complying. From the standpoint of the candidate who is not complying, the new postal rate and the new broadcast rate established for the opponent becomes the standard rate. And to the extent that the noncomplying candidate has to pay more, it is, again, in the nature of a fine, it is a financial penalty, over and above the standard rate imposed on the noncomplying candidate.

This is not a voluntary system. It is put together for the purpose of coercion and, therefore, it could not possibly be constitutional under Buckley versus. Valeo.

Let me raise fairly quickly two other points. One I think raises real constitutional questions and the other at least would deserve consideration under the Constitution.

Independent groups, which participate in a campaign, opposing a candidate would result in the Federal Government writing checks to the opposed candidate so that the candidate could respond dollar for dollar.

I have to admit that I once thought this was a pretty good idea because I remember what happened to Senator Percy when he was running for reelection and an interloper entered in and piled on and spent a lot of money against Senator Percy. I did not think that was fair. But consider the constitutional implications of trying to write checks to the opponent.

Let us say that we have an organization in this country that has very, very strong feelings on some matter of importance to the organization and they want to speak out, and we are saying, "Well, you should know that if you speak out, we, the Government, are going to write a check to the person you are trying to defeat." Senator MCCONNELL has given us an excellent example. He said let us suppose David Duke is running for the U.S. Senate. B'nai B'rith is outraged by this and threatened by it. B'nai B'rith opposes David Duke, wages a campaign against David Duke, and the Treasury of the United States writes a check to David Duke. Would not that knowledge have a chilling effect on the exercise of a constitutional right to participate in a political campaign by the organization that wants to participate? I think the answer to that question is clearly yes.

Then there is the matter of the thwarted would-be contributors. Right now there are no maximum limits, so anybody can contribute to a campaign. So let us say you want to contribute to a campaign. You believe in the candidate, you believe in the cause and you have a job, you cannot spend a lot of time, you are working hard, you are trying to raise a family, you cannot spend a lot of time out there punching doorbells for the candidate. You want to write a check. You go up to the candidate and say, "Here is a check for $50." "Oh, I'm sorry, the window has been closed on this campaign. Your support is not wanted." I do not know if that is sufficient to create a constitutional issue, but I think that it should be raised in that context because, clearly, it thwarts the ability of individuals to participate in political campaigns.

Mr. President, I think I only have about 5 minutes left—4 minutes left. So I would like to conclude very quickly. This is said to be political reform. I do not think it is. I believe that it is an unseemly scramble for political advantage between two political parties.

I do not believe that abridging the first amendment to the Constitution can ever be called political reform, and I do not think it is any answer to say, "Well, we really don't like this kind of speech, we really don't like political campaigns, we think that they are slimy, we do not like them so we want to stop them."

The last great first amendment debate that occurred on the floor of this Senate concerned a form of political expression much more volatile and controversial than political campaigns, and it was flag burning. I was one Senator who came to the floor of the Senate and said, "We cannot impinge on the first amendment to the Constitution simply because we do not like what people are doing or saying." And exactly the same principle exists here. The fact that we do not like political campaigns is no license to impinge on the Constitution or to try to impinge on the Constitution.

The fact that we think they are sleazy is no justification for doing something that is blatantly unconstitutional.

There is no justification for doing that and people might say, "Well, why not do it and leave it to the courts? Let the courts decide. That is what they are for." Yes, they are. The courts are for deciding the ultimate constitutional issue. However, we have a separate oath to uphold the Constitution of the United States. We have that oath not to pass the buck to the courts. We have that oath to uphold the Constitution. And where a bill is clearly unconstitutional, we have an obligation to say so and to make that view known through our votes.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. Mr. MCCONNELL is recognized.

Mr. MCCONNELL. Mr. President, I yield myself a few moments of my 7 hours.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MCCONNELL. Mr. President, I thank the distinguished Senator from Missouri for his outstanding speech, very skillful discourse on the first amendment which is, of course, at the heart of this debate. That is what this is all about: Speech, our right to speak and frequently. As the Senator from Missouri has so skillfully pointed out, we do not like some of the speech we hear, and we wish we could make it go away or, in the case of this particular bill, kind of dole it out in equal amounts; let us quantify this speech and hand it out in equal amounts so no one will speak too much.

But as the Senator has pointed out, the Supreme Court says you cannot do that. You cannot wrap up speech in a tight little amount and hand it out in equal amounts. Of course, even if one could do that constitutionally, which clearly you cannot, what about all that other speech in campaigns? Newspaper editorials. Boy, as somebody who frequently has newspapers against him, I sure would like to equalize their speech. What about an amendment to this bill that says a candidate who is not endorsed by a newspaper should get some of those public tax dollars to counter that unfortunate speech and, thereby, further level the playing field? I say to my friend from Missouri, I would be curious if he would respond to how the newspapers of America would feel, some of whom support this bill—not all, but some of them, including the local major daily here—how they would feel if their speech in political campaigns was countered by tax dollars?

Mr. DANFORTH. Mr. President, if the Senator will yield.

The PRESIDING OFFICER (Mr. REID). The Senator from Missouri.

Mr. DANFORTH. I think that this is exactly correct, and I think that when we talk about political speech, it is not possible to start trying to distinguish between forms of political speech or content of political speech. I think that the nature of political campaigns now is pretty bad.

In part of my remarks, I talked about what I think real campaign reform would be about. But I think that to try to pass laws that try to impinge on political speech is just wrong and there is

no justification and cannot conceivably be constitutional.

I made an analogy. It seems to me to be a good analogy. Maybe somebody can criticize it. But I said let us suppose that we were to decide that some papers were spending too much of their resource commenting on political matters. We did not want that, so we were to set a standard for how much political commentary there could be in newspapers. And for those newspapers that commented too much on politics, we imposed a special tax, and those newspapers that did not have that much political comment, we would write them a check equal to a third of their revenues.

Now, if we were to pass such a statute, what would be the editorial comment? Would that not be viewed as laughable under the Constitution, just outrageous, to start taxing those who spoke too much and writing checks to those who did not speak any more than we would like them to. It would be obviously unconstitutional.

What is the difference, I ask the Senator, what is the difference between that kind of hypothetical, outrageous newspaper tax and a program which says to candidates please spend whatever you want? However, if you spend more than we think you should spend communicating with voters, then we are going to tax you. And for the other candidate, if you spend more than we think you should spend, we are just going to write a check for a third of the amount that that candidate is allowed to spend.

Mr. MCCONNELL. I say to my friend from Missouri, as lawyers occasionally are heard to remark, it is a distinction without a difference. In fact, the hypothetical that the Senator from Missouri lays out is indistinguishable from the actual language in this bill in an effort to, in the Senate-passed version, tax excessive speech and give it to someone else. And so it is blatantly unconstitutional.

Just one other point before the Senator leaves, and I really want to thank him for his brilliant presentation, absolutely brilliant. There is a practical problem with the effort to counter independent expenditures, too, beyond the constitutional problem. Let us assume that a group comes in and says I want to commend and recommend that you vote for the distinguished Senator from Missouri because he always votes for tax increases that improve America. I ask my friend from Missouri, is that an independent expenditure against or for the candidate?

Mr. DANFORTH. Well, that is a very good question, and I have been in that position. Back 3 years ago, when my favorite Supreme Court Justice was a nominee, various interest groups thought that they would try to help him by running television commercials attacking Members of the Senate. Of course, the nominee was outraged by this, and those of us who were supporting the nominee concluded that this was a disaster. I mean this was—if anything threatened the nomination, this was it. If there was ever a case of with friends like this, who needs enemies, that was it.

Well, suppose it was a political campaign and some interloper jumped into the campaign, and I am running against you. So the interloper jumps in on my behalf without my approval. That is how it becomes an independent organization.

Mr. MCCONNELL. Right. Precisely.

Mr. DANFORTH. I do not know anything about it. And the interloper is of the proverbial bull in the China shop doing terrible things that are just totally contrary to what I think the campaign should be and hurting my campaign. Then I take it the result of all of that would be that the Treasury of the United States would cut a check to you so that you can campaign against me.

Mr. MCCONNELL. I would say to my friend from Missouri—I see the Senator from Texas here to claim his hour, and I am glad to see him.

Mr. GRAMM. Do not let me stop this.

Mr. MCCONNELL. We are all familiar with the term Rube Goldberg proposal. The Senator from Missouri is ending a distinguished 18-year career in the Senate. Maybe I am taking a chance asking this question, but I am going to ask it anyway. Has the Senator within his experience in the Senate ever observed such an absurd, unconstitutional bill riddled with the law of unintended consequences? Has there ever been anything quite this ridiculous?

Mr. DANFORTH. I have never heard of a case—maybe I missed something, but I have never heard of a case in which there has been a tax on political speech. There are a number of problems constitutionally with this—all of the various rewards and penalties which in the aggregate constitute massive coercion as opposed to a voluntary system. The whole thing is unconstitutional.

But if you had to focus on that part which is the clearest, it is the tax on speech, the tax on political speech of selected candidates, the tax on candidates who speak too much: Do not speak or we will tax you.

Now, I have never heard of anything like that. I put in the RECORD the memorandum by the legislative director of the ACLU. In that memorandum there is an analysis of the basic point that the power to tax is the power to destroy, and so on, how the framers of the Constitution and of the Bill of Rights were drawing on their own knowledge of history in England where there were efforts to tax political speech. But I have never heard of this kind of an attempt to end run the Constitution of the United States.

Mr. MCCONNELL. I wish to thank my friend from Missouri for an absolutely spectacular speech and as well thank him—this will not be the last one—one of the last times for his distinguished service on behalf of the people of Missouri and of the Nation.

Mr. President, I see my friend and colleague from Texas is here. He is rarely passionate about an issue, but I hear he may have some passion for this one, and I am happy to yield the floor at this time.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 hour.

Mr. GRAMM. Mr. President, let me begin by thanking our dear colleague from Kentucky. This is a tough issue. I think very few people really have spent much time thinking about it. It is obviously an issue where you could say a number of superficial things and get a round of applause almost everywhere. But our distinguished colleague from Kentucky, Senator MCCONNELL, has taken on this issue and I think has done great service to the country, and I would just like to say thank you to him.

Mr. President, I wish to talk in the time I have about several issues. I would like to first talk about the bill that we are debating, and then about the larger issue of campaign reform, if someone really wanted to reform the American political system. I am going to come at it from a different direction than I think most people have ever heard. But as I have thought about it, if I were going to try to deal with the problem, real and imagined, that is being discussed under the heading of campaign reform, it is the way I would go about it.

First of all, let me talk about the bill that is before us now.

As we all know, America is about to have an election. As we also know, every public opinion poll, every survey, every political analyst in America predicts the same outcome for this election. The prospect is that the party in power will dramatically lose power, that there will be a substantial number of new Republicans in the Senate and in the House, and that we could well have a Republican majority in the Senate. In fact, it is now being discussed as being plausible that we could have a turnover of both Houses of Congress and have a Republican majority for the first time since the early years of the Eisenhower administration.

It is not, therefore, to be unexpected that the party in power that is threatened with a loss of power would try to do what any group that is losing public support would do; that is, change the rules of the game to keep themselves in power?

In truth, both political parties want campaign reform and they both want it for exactly the same reason. They both want to make themselves stronger and make their opponents weaker. We are adamantly in favor of changing the

rules of the political game to benefit people who agree with us and to disadvantage people who disagree with us. My colleagues on the left-hand side of the aisle are here equally willing and eager to change the system to help themselves and to lessen the political influence of people on my side of the aisle. Does anyone really expect anything different? I should hope not, if people are going to truly understand how the system works and, quite frankly, how we should expect it to work. The problem is the changes that would benefit Republicans and the changes that would benefit Democrats are totally different. That is what the debate is all about.

Let me explain the interests of our two great political parties. First of all, if I could write a campaign reform bill, let me tell you what I would like to do. The last thing I would ever do is limit the ability of people who support political candidates to put up their time, their talent and their money. I would always support that because I do believe that is the American way, but also it is the interest of people who agree with me.

At the National Republican Senatorial Committee, which I head, we routinely have four or five times as many people contribute to our campaigns as our Democratic counterparts have. We routinely have an average contribution that is roughly one-tenth the size of the average contribution that goes to the Democratic Senatorial Committee and yet we routinely raise three or four times as much money. Why? Because based on what we believe and our political base of support, we can do mailings and people will actually read our letters, identify with our vision, and support us. In the 3½ years that I have been chairman of the Republican Senatorial Committee, 2 million Americans have contributed $96 million in responding to letters that I have written talking about balanced budget amendments to the Constitution, talking about putting the Federal Government on a budget like everybody else, talking about asking people to get out of the wagon and help the rest of us pull it. This Democratic campaign bill seeks to stop that process.

When I ran for the Senate the last time, 88,000 people contributed to my campaign. My Democrat opponent did not get 8,000 contributions. My average contribution was a fraction of his, but I raised much more money than he did. That pattern exists all over the country.

So we should not be surprised that the bill before us says you can give big contributions but you cannot have a lot of people contribute. So that if somebody in Muleshoe, TX, believes that what I am doing is important, they may be prohibited from sending me $10 because that would mean that I was getting too much support and our colleagues in the Democratic Party would like to deny me the ability to get that support. Their number one objective is to set a contribution limit and to say that no one can have more support than that. Why do they want to do that? Because Democrats do not have the support and Republicans do. So, given our ability to get a free people to contribute to our campaigns, Democrats want to make it illegal.

I would like to eliminate political action committees, but I am not going to stand up here and pound my chest the way many of my colleagues on the other side of the aisle do and say political action committees are evil. Political action committees are no more evil than people are evil. How can it be more special interest for 100 hardware and implement dealers in Texas to put up $10 apiece to contribute to my campaign than it is for one rich person to give $1,000? How can that be more special interest? I do not accept the argument that it is more special interest.

Why would I like, if I were going to ideally rewrite the political contribution system of the country, to eliminate PAC's? The reason I would like to eliminate PAC's is primarily because I like Republicans to win elections. It does not affect me very much. I have never had an opponent who has not gotten a larger percentage of their money from political action committees than I have. I have always raised more money than my opponents have raised.

But the reason why, if I were writing an ideal bill, I would want to ban PAC's is because political action committees that are run by labor unions give all their money to Democrats. The political action committees that are run by businesses basically split their money so Democrats get a lot more money from political action committees than Republicans do.

Guess what? We have these long debates in the Senate. We have these editorials written in the paper about how we should eliminate these greedy special interests called political action committees. Our Democratic colleagues stand up, pound their chests and say, "Let us eliminate political action committees."

But guess what? They never do it, and they do not do it because it is not in their interest to do it. I would like to do it because it is in my interest to do it. I think most business people who contribute to PAC's, if they wanted to support me, would give it directly. My guess is that two-thirds of the union members in America are checking off their union dues involuntarily. If they did not have to do it, they would not do it. In fact, we had a Beck decision by the Supreme Court where the Court ruled that a worker named Beck had the right to know how much of his dues were going into politics, how much of his union dues were going to support political candidates that he might not support. The Supreme Court, after years of litigation, ruled that workers have a right to know and a right to say that if a portion of his dues was going to support people for public office whom he opposed, he did not have to pay.

Guess what President Clinton did in his first Executive order, the President of the United States?

And if the Lord ever gives us an opportunity to correct this, it will be the first thing we correct.

President Bill Clinton, in his first Executive order, set aside the mandate that the Beck decision be enforced. He set aside a mandate through the executive branch of Government that would have required that every worker be told their rights about not having to have their union dues used for political purposes if they did not support it. By an Executive order in his first act as President, President Clinton stopped the program to notify workers about their constitutional rights. Why? Because the President believed, as I believe, that workers would not voluntarily give all of this money if they had a choice.

So another reason that I favor eliminating political action committees is that many people give to political action committees because they are pressured to do it. That is not the American way. It is not the right thing to do, and it also helps one party at the expense of another.

Another thing I dislike about political action committees is that they let people disguise their contributions. As we all know, some people would never want the public to know to whom they contribute. I have never understood it, but they do it. By having a political action committee, they can contribute to a candidate and it never shows up on that person's contribution list. It shows up that it came from a political action committee and you have to go to the political action committee to see who gave, and you cannot quite match it up.

I like it matched up. I like people to know who supports me. If they want to know who supports me, let them go to Main Street, America, walk down the street, walk into the McDonald's. I am proud that people who work at McDonald's have, through their political action committee, contributed to my campaign. I am proud that the Independent Bakers and many others support me. If you look at Main Street, America, you know who supports me. But I would like their names on the list.

I would also like political parties, with the support of people, to be more involved. The Democrats want exactly the opposite. Because they have the support of labor, they are able to get large-dollar donations, so they like a system that excludes little people and

excludes the party, because the truth is that their average contribution is 5 or 10 times as big as ours.

The point I am trying to make is that what we have here is a system which has evolved over the years, and both political parties would like to change the system to benefit themselves. The ideal Republican system would eliminate PAC's, basically because PAC's disguise contributions and they are a way of forcing people to contribute.

I would like to see more reporting, not less. I think that when people are giving these big-dollar donations that go into races, it ought to be reported. I also believe that when people like Ralph Nader or officials of these other public interest groups come to Texas and routinely denounce me—they have a right to do it and, quite frankly, I welcome it because they have helped make me popular in my State—people have a right to know who they are speaking for and who is paying their way. I think if some group is going to come into Nevada and denounce the Presiding Officer, they ought to have to report who finances them. That is a reform that I would very much like to make.

To conclude this part of what I wanted to say about campaign reform, we have a debate here not of good versus evil, though I would have to say in all immodesty that I think there is a little more good on our side of the debate, but that is not the point, but basic political advantage we are talking about. We have a bill before us that goes one step beyond doing all the things that help Democrats and all the things that hurt Republicans, and that is, it brings the taxpayer into it. You see, people want to give to Republican campaigns. They do not want to give to Democratic campaigns. It is a nuisance going out asking people for political support. It really means that some people may have to go back home and shake hands with people, and they may have to actually talk to people. Many of my colleagues do not want to do it; they do not want to be bothered. They would rather force people to pay taxes so taxpayer money can be used to finance their campaigns. I reject that. I think part of running is getting support for yourself.

If people are not willing to contribute to your campaign, you probably ought not to be running for public office. A lot of candidates come to me and ask me for advice as to whether they ought to run. One piece of advice I always give them is this: Look, you should feel strongly enough about what you are doing and what you believe in to look people in the eye and say, "I want to do something important for America and I need your help. Will you write a check for $250?" If you do not feel comfortable doing that, you ought not to be running for office.

What our Democratic colleagues want to do is take that out of the process and have the taxpayer fund elections in America. I believe part of being free is not being forced, against your will, to contribute to candidates that you do not support. There are people in public office about whom I feel strongly enough in opposition that I would adamantly object to anyone taking my money to give to them. I do not believe in taxpayer funding of elections, and the American people do not believe in it.

We have also an indirect tax in here, and that is forcing broadcasters to give politicians free time. We even had a proposal where the networks would have to give politicians huge blocks of time so we could get on television and give our stories to people. I think most of us have trouble filling up a 30-second television spot, much less an hour of programming. But the point is that we do not own that programming, or those television stations, or the television sets people are turning on; they paid for them. Should they not have some voice in saying what they want to broadcast and what they want to watch? And if we force TV stations to give us time free, or at deep discounts, we are forcing advertisers to pay more and perhaps even driving up the cost of everything from milk and clothing to automobiles and housing. That is a tax, as well.

The final insult that induces me to oppose this bill and guarantee that it is not going to become the law of the land—and it is a real testament to how greedy this whole process is—is that our Democratic colleagues who wrote this bill in the Senate cannot agree with our Democratic colleagues who wrote the bill in the House. What is to their interest in the Senate is not in their interest in the House. And so what has happened in the last couple of years on this bill—and what we know is going to happen on this bill, which is why we are opposing it today—is that we are going to end up with one set of rules that apply to the Senate and another set of rules that apply to the House.

Mr. President, should we not have one set of campaign laws that apply to every Federal candidate? Should we have PAC contributions for House Members and not Senate Members?

Should we have spending limits for the Senate that do not conform to spending limits for the House?

Basically what all this tells me is that our Democrat colleagues in the Senate cannot agree with their colleagues in the House as to what is in their interest and the reason is simply this: Different things promote the interest of Democratic Senate candidates than promote the interest of Democratic House candidates which is why we are going to end up with a bill with two separate rules, two separate procedures on campaign finance reform.

Let me get to the big issue. Why do we worry about political contributions? What is the whole issue about other than political advantage for one party or another?

It seems to me there are two kinds of contributions, and let me just make it very simple and set outright two kinds of contributions. One kind of contribution occurs when a citizen believes deeply in another American, believes that maybe that person could be a Washington or a Jefferson or an Adams, believes that he or she could help preserve or protect or promote a country that would be worthy of the name America, so they contribute to that person's campaign. I do not believe anybody wants to stop that contribution. I do not believe anybody wants to prevent people from giving contributions in a political campaign because they believe in the person who is running.

Now for partisan reasons I believe my Democratic colleagues would like to limit the number of people who could give because they believe more people would give to Republicans than Democrats, but I do not think anybody disagrees with the basic concept of supporting someone you believe in.

The kind of contributions that apparently they want to limit happens when a contributor thinks that they are going to affect a public policy decision. And that is the point and I would like to discuss just a little bit.

Let us say you have a commodity producer, someone who grows strawberries for a living. And let us say they contribute $1,000 to a campaign. If the Government does not set the price of strawberries, we might conclude that they gave the money perhaps because they share a philosophy and goals with a candidate. But if the Government sets the price of strawberries, maybe they gave the money to try to support someone who would vote for a higher price for strawberries, or if there is a strawberry producer political action committee, maybe that political action committee is trying to influence people on the price of strawberries.

Now it is very interesting to me that editorial writer after editorial writer will denounce the contributions of the strawberry PAC, but they will never suggest that maybe we ought to stop setting the price of strawberries. If you do not want people to be influenced in discretionary decisions of Government, one solution is to stop making the discretionary decisions. If you are worried about people exerting undue influence, look at what they are trying to influence and see if Government ought to be doing that to begin with.

If you wanted to do real reform of the political system, you would go look at areas where Government was granting special favor, where Government was granting noncompetitive contracts, where Government was setting the

price of some product, where Government was giving special privilege. If you looked at those areas and concluded, as I conclude, that it would often be better policy for Government to stop doing those things, a way to deal with the political special interest is eliminate the things they are trying to influence.

So if we are unhappy about strawberry political action committees giving money, let us stop setting the price of strawberries and see if they continue to give the money. Then we will know are they trying to influence the price of strawberries.

I also think that if you really wanted to make the system purer, you might prohibit Members of Congress from contacting agencies of the executive branch of Government. I can tell you from my political career that I have seen people contribute to candidates that they actively disliked and would never vote for because they thought some Government agency was going to try to do something bad to them, and they thought a Congressman calling the Government agency saying, "Hey, maybe that is not fair, maybe you ought not to do it," would be helpful.

If we are worried about those kind of contributions maybe we ought to say it is illegal for Members of Congress to contact a decisionmaking branch of the executive branch of Government on behalf of an individual or a group. Then we would not have to worry about those kinds of contributions.

Now, if you really wanted to reform the system, what you would do is recognize that political power is a zero-sum game. What I mean by that is political power exists because Government spends $1.5 trillion a year, so people want to influence it. Government sets the price of products throughout our country. Government decides which products produced abroad are sold in America and which products we are protected from. Government makes millions of discretionary decisions and as a result, people want to influence those decisions.

So people contribute money to try to influence those decisions, but they also contribute people power and they engage in endorsements. Money is not the only thing, but since Democrats control the endorsements of many of the groups, like the labor unions, the teachers' unions, and most of the people writing on editorial pages would like other people to be less influential so they could be more influential, they all want to lessen contributions.

The cure, however, is to go after the reason people want to give. Let the Government replace discretionary contracts with competitive bidding. Let us get Government out of protectionism. Let us end these discretionary decisions of Government so if someone wants to give a contribution, we know they are doing it because they believe in what the candidate stands for.

Nobody has proposed this. I have never seen one editorial about it. Critics will endlessly attack special interests and in my little example, they might denounce the strawberry producer PAC, but never do they ask, "Hey, why don't we stop setting the price of strawberries?"

It is miraculous, but they do not even ask that question. Look at who supports various kinds of reform in the political system. It is very interesting because they are always people who become more powerful if someone else is powerful.

People like Ralph Nader would very much like to limit campaign contributions because they become more powerful because when they go into Kentucky to campaign and denounce the distinguished junior Senator from Kentucky, he would have less ability to go out and get good Kentucky citizens to contribute so he can respond.

So organizations like Public Citizen would love to limit the ability of the junior Senator from Kentucky to raise money.

Mr. MCCONNELL. Mr. President, will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. MCCONNELL. I am sure the Senator is going to get to this. But particularly enhanced by the limit of our speeches would be speeches of the editorial pages in this country.

Mr. GRAMM. That was the next topic on my speech.

Mr. MCCONNELL. I am confident the Senator was going to that.

Mr. GRAMM. Editorial writers are great and wonderful people. They are some of the most knowledgeable and sincere people in our country. Why would they want to limit political contributions? You do not eliminate political power. We are still granting contracts. We are still setting the price of strawberries. We are still fixing things for General Motors and for a lot of other big companies, bailing them out here and there. So the power is still there.

What do the editorial writers get out of limiting campaign contributions? An editorial endorsement becomes much more valuable if the candidate cannot go out and raise money to tell his side of the story. Thus, editorial writers are more powerful if candidates are less powerful. It is interesting. There is no doubt in my mind where Thomas Jefferson would come down in this debate. There is no question about it.

Jefferson would say, "Look, eliminate the sources of power." That would be his No. 1 preference and it is mine, too. "But," he would add, "if you can't eliminate the power, disburse it, get as many people as you can to get involved competing for influence."

And I can tell you, from my involvement in Congress, when a bunch of different people are involved, when people are looking over both your right shoulder and left shoulder, sending letters back home telling people what you are doing, when the people are involved, we do a good job. When you can invoke GRAMM's first law of political behavior—if a politician knows he is going to catch hell no matter what he does, he will normally do the right thing—you can count on getting good government.

If you look at the people who want to limit the ability of Americans to put up their time, their talent, and their money to support other candidates, if you just scratch the surface a little and look at them, you will find in virtually every case they are people who benefit by limiting the ability of people to be involved.

Whether they benefit by tilting the advantage to a political party which has less popular support from people who are willing to make contributions, or whether they benefit from their editorials having a bigger impact on the election, or whether they go around putting on displays to make their point, when, if no one could mount a response, they would be more powerful; when you look just beneath the surface, you will find that these are the people who are primarily pushing for campaign reform.

What should we do on this issue? My own opinion is the following:

No. 1—and I have talked about what Democrats would like to do and that is what we are debating. I have tried to be honest about what I would like to do as a Republican. If I could tilt the system in favor of Republicans, I would eliminate PAC's. I would want to allow unlimited individual contributions of small donations. I think big donations help Democrats more than they do us. I would like to get labor and business out of the business and get political parties more in it.

I have also talked about what the Democrats would like to do. But if you were going to try to do it from a public interest point of view—and I would not count on politicians doing it—here is how I think you would go about it.

No. 1, go through the whole Federal Government and every place the Government is making discretionary decisions, wherever you could change the system, change it. Get Government out of the business where politicians are having input on who gets a contract and open it to competitive bidding, hold the people accountable to the bids, and sue them if they have cost overruns. Then you would never have to worry about some contractor contributing to politicians thinking that they might help them get the contract.

Get the Government out of the business of setting the price of things. Get the Government out of the business of deciding who the winners and losers are in society. That reform would be the most meaningful campaign finance reform that you could ever make.

But, second, if you cannot do that totally, then do not exclude anybody.

Open it up. Let people be involved. But do one thing that is critical—make people report it. Make them put it on their financial report.

When you have these huge soft money expenditures, that ought to be reported. When some outside group comes in and attacks somebody running for public office, the public has a right to know who is paying their bills. Let us require much more thorough reporting.

I am proud of the people who support me. I think everybody ought to be. If you are not proud of their support, you ought not to take it.

In the final part of my discussion about campaign finance reform, I just want to tell two stories.

When I was in the House, I had resigned from Congress as a Democrat and ran again as a Republican in a special election. It is a long story. I had been elected as a Democrat. My grandmother thought of Republicans as those people in blue shirts who burned down their grandmother's house.

I knew by the time I was an adult that there was a difference between the two parties, but I thought that parties did not make any difference. And so when I was elected to the House, I was elected as a Democrat. I quickly found out that I was totally wrong.

When I authored the Reagan program, I was kicked off the Budget Committee by the Democratic leadership. I resigned and I went back home and I ran again for reelection.

As a result, I had more elections to serve fewer years than anybody in the 20th century. So when one of these so-called public interest groups did a report about contributions from the political action committee of the State medical association and the national medical association to try to match it up with where people stood on the issue of the Federal Trade Commission having jurisdiction over anticompetitive practices for doctors, I ended up ranking number one on their list.

Now let me go back and be sure everybody knows what I am talking about. When I was in the House, we had an issue come up as to whether, if physicians engaged in anticompetitive practices, like saying that a physician could not advertise, for example, or saying that a physician could not practice under certain parameters to try to promote more business, like enter into discounts or enter into group practice. These were the early days of the emergence of what has become competition in medicine. I felt that competition was important in medicine and everything else, and so I opposed exempting doctors from the Federal Trade Commission jurisdiction. I thought it was a bad thing.

It just so happened that, because I had had more elections per year served in Congress, I had received more support from doctors than any other candidate in the U.S. Congress.

When this public interest group performed its study, trying to make the point that Congressmen who were against having the FTC exercise jurisdiction over doctors had sold their votes because doctors had contributed to them, what do you think they did with me, a Congressman who got more financial support from doctors than any person in the U.S. Congress and who also supported competition for doctors?

Well, they handled it neatly. They left me out of the study. The facts did not comport with their theory, so, when they wrote the study report, they left me out.

The second little story is one day—I am not going to mention the newspapers because I like newspapers to like me—but I got a call from a newspaper. They said, "We have been doing an analysis of contributions and we have concluded that you have received more contributions of a specific type than any other Member of the Senate except for BOB DOLE and he has run for President several times and he has been majority leader and minority leader. And before we make a big deal of it in this comprehensive study we have done, we spent months and months on, we wanted to give you a chance to explain why this is a case, or give your reaction."

So I said, "I am outraged and I am embarrassed. I am outraged that, given all I have done for America, that people have contributed more to BOB DOLE than they have to me. And I am embarrassed that I am No. 2 and he is No. 1."

Where do you think I was in this story? I was not in the story. All these poor devils who said I do not know why people gave to me—"Why did people contribute to me? I do not know. I do not have the foggiest idea why anybody would give to me. It is just an accident. Are you sure your numbers are right?"—their pictures were there. There were writeups of all these explanations. I was not even mentioned in the story.

I cannot pass this subject without at least stating my own personal opinion. Interestingly enough, this is something I read in the newspaper the other day. It was written by the chief political analyst for the American Enterprise Institute. This was about health care. The point he was making was that all these groups that try to say that because somebody is supported by some group that is influencing how they feel or how they vote, miss much of the big picture in American politics.

My own opinion is, if you have a philosophy and you have values and people believe in what you do, they support you. I think that is the way the system was meant to work.

I want to say in my remaining 10 minutes, a few things about several other subjects. I guess you could say in a roundabout way, they have something to do with this issue. The first subject is health care.

A year ago today, Bill Clinton introduced his health care bill. We were all over on the House side of the Capitol. The President gave a great speech. The whole Nation listened. It was a wonderful speech. The President promised 37 million people who did not have health insurance were going to get it, 120 million people were going to get better insurance than they had now, every senior citizen in America was going to get free pharmaceuticals, and it was not going to cost anybody anything. In fact, so efficient would it be when we tore down the greatest health care system in the history of the world to reinvent it in the image of the post office, that all of that would be free.

Here we are a year later, despite all of the political campaigns, despite all of the promises, despite all of the efforts of the President and those who support him to convince the American people that having the Government run the health care system is a good thing, despite all of that, the American people overwhelmingly rejected the Clinton health care plan. They did not reject that plan because the President is not a great salesman. They did not reject that plan because the President did not have the Democratic National Committee with contributions from political action committees running ads giving the President's side of the story. They did not reject it because the First Lady was not a great spokesman, a great articulator of their view. They rejected the President's health care plan because it was a bad plan.

Quite frankly, while I know that the stories that will be written tonight when the proponents of the President's plan finally throw in the towel will portray this as a failure, the truth is, it was a great success. It was American democracy in action. It showed the innate wisdom of the American people. All these promises, all these things that could be had for nothing, all these messages appearing in the news and being financed by contributions from the Democratic Campaign Committee—the American people saw through the whole thing. They recognized that when somebody gets something for nothing from the Federal Government that means some poor worker and taxpayer gets nothing for something. And in overwhelming numbers they stood up and said: Stop.

I was asked today, "Are we going to have a vote this year on health care?" We are going to have a vote this year on health care. It is not going to occur here in the Senate. It is going to occur at polling places all over America on November 8. The American people are going to go to the polls and if they want the Clinton health care plan they are going to vote for it by voting for people who support that plan. If they do not support it, they are going to vote for Republicans who oppose it.

So we are going to have a vote. The American people are going to get a chance after 16 months to state their opinion. And I believe that opinion is going to be overwhelming. We have not changed the President's mind. We have not changed the President's heart on health care. The President believes in his heart that a Government-run system is better. The President believes in his heart that the Government knows better than the family does, and that the Government can make better decisions for us and for our children than we can make for ourselves. And therefore the Government, in his opinion, ought to make those decisions.

I would have to say that, knowing the Government, and knowing the family, and knowing the difference, I reach exactly the opposite conclusion. But it is a great testament to the wisdom of the American people. It is a great testament to the fact that democracy in America works, that the American people, despite all the hype, despite all the salesmanship, ultimately understood what the issue was about, ultimately said no. And their view ultimately prevailed.

So at a moment when we are debating how to change the political system—and I believe the political system in America has many faults, many warts, many problems—it is reassuring to me that on the greatest issue in terms of overall importance since I have served in public office, that the American people were smarter than Bill Clinton thought they were. The American people were able to understand a very complicated health care bill, 1,342 pages long.

Whether they could pass a comprehensive test on it or not, I think that is open to question. I question how many Members of the Senate would pass that test. But they knew that it was the wrong thing to do. They sensed that a Government-run system would bankrupt the Government and destroy the greatest economy the world has ever known. They knew that a Government-run system meant rationing and it meant that the destruction of the greatest health care system that had ever been known.

They sensed that when Members of Congress were talking about health care perfection and looking to Canada, that it was very interesting that when they and the people they love got sick, they never ever went to Canada to try to get well. But the American people observed that when Canadians who had money or political power got sick, they always came to America to try to get well.

Those observations had no impact on the Clinton administration, but they had a profound impact on America because they convinced Americans that they did not want a Government-run system. The American people understood that a massive payroll tax would put people out of work. And they knew from their own practical experience that not having health insurance is a bad thing—but that not having a job and not having health insurance was a lot worse.

But the silver bullet—or even a better analogy, the little stone that slew Goliath—was not bankrupting the country, not destroying the health care system, not putting people out of work. The President's bill would have done all those things, but that is not the little stone that slew Goliath. The little stone that slew Goliath is that the American people understood that Bill Clinton wanted to take away from them something more important than the economy, something more important than health care, something more important than their jobs. I am sure we have people who say, "What in the world, in 1994, could be more important than those things?" There is something more important.

The President's plan took away their freedom. It took away their right to choose. And on that issue, the American people were not willing to countenance. In conclusion——

The PRESIDING OFFICER. Will the Senator withhold? The Senator now has 9 minutes left.

Mr. GRAMM. I am going to—if I am required to speak for 10 more minutes, I can certainly go on.

Mr. McCONNELL. Will the Senator yield? He is not required to speak for 10 more minutes, but I suggest to my good friend that he not hasten to finish.

Mr. GRAMM. Amen. Let me say, concluding my thoughts on health care, and I think health care is related to this issue because we are talking about a test of the great American political system.

In the end, the President's grand design to collectivize medicine in America and have the Government take over another seventh of the American economy did not fail because of the destructive impact it would have had on the economy, or the destructive impact on health care, or the destructive impact on job creation.

In the end, it fell because the American people recognized that it took away their freedom, it took away their right to choose. And in the end, that is why government fails. In the end, you cannot have unlimited government and unlimited opportunity. In the end, you cannot have the Government choose and keep the people free.

And so we passed a resolution the other day commending all sorts of people on our policy in Haiti. We failed to thank the American people who, in their wisdom, understood that the President did not have a plan and that we ought not to be involved in Haiti and they forced the President to send in President Carter. We did not commend the American people, but we should have.

There are a lot of people, I am sure, who will take credit for trying to pass the President's health care plan. There are some who will take credit for trying to kill it. I am happy to count my name in the latter number because I think it was the most positive thing we have done in many years in the Senate.

But the real victor here, the person, in a collective sense, who killed the President's health care plan was the person in America who does the work, pays the taxes, pulls the wagon and makes the country work. The Clinton plan died when ordinary working people said no. The American Medical Association may have been confused. They were cutting deals. They were going to be at the table. They were going to have a say. The automakers were bought off. We were going to subsidize their retirees and pay health insurance for them and save them $8 billion. Corporate America thought they could cut a deal with Government. But Dicky Flatt, my friend in Mexia, said no, and when Dicky Flatt speaks, America listens. When the people who do the real work in this country stand up, everybody else sits down. That is why we beat the President's health care plan.

So when we are trying to reinvent our political system—and it could use some improving—let us remember it is a pretty good system. It worked. It worked on health care. And I really believe 1 year after the debate started—and today I believe it is over—if we had lost that debate, if we had adopted the Clinton health care plan, we could have never taken those promises back. We could have never paid for them. I believe in the end that we would have greatly diminished our freedom, our economy, our health care, and America would have been fundamentally different. It would have been a poorer country with fewer opportunities, with less freedom. I rejoice in the fact that it is none of those things today and, God willing, we will get a chance next year with a Republican majority to do it right.

I will conclude and turn the floor over to my dear colleague from North Carolina by repeating a blessing I gave the other day at a dinner kicking off our campaign in 1994. I had talked before the blessing about the fact that the White House said on health care that Republicans were going to be held accountable if they defeated his health care plan. I am like Brer Rabbit in the briar patch. Hold me accountable, but hold accountable the people who were for that plan as well when you go to the polls on November 8. But as I said in the blessing, "Dear Lord, if you give us control of our Government again, this time we won't waste it."

I thank the distinguished Senator from Kentucky for yielding me time to give me a chance to talk on this issue. It is easy for people like me to come

over and speak for an hour and go back to our offices and answer all the mail and do all we have to do. It is very hard for somebody to stand up on an issue that is so easily demagogued as this issue.

I want my dear colleague from Kentucky to know that I appreciate his good work, and today, I am sure, some editorialist somewhere is just at this moment putting in the computer the name of the Senator from Kentucky, who is here trying to prevent the blessings that would come from taxpayers funding politicians to run for public office, who at this very moment is writing an editorial that will appear in tomorrow's paper that, were it not for Senator MCCONNELL, taxpayers would be funding elections and the world would be better off for it; that we do not have enough things to do with the taxpayers' money, and giving money to politicians to run ads, to tell the world how great we are would be wonderful and America would be greater for it.

I am sure they are going to conclude the Senator from Kentucky is wrong and evil as a result. I do not have a newspaper, and I probably will not even think about this issue tomorrow, and I certainly am not going to read their editorials. But I just would like to say to our colleague that he is performing a very important service for America today, and I appreciate it.

Mr. MCCONNELL. Mr. President, let me thank my friend from Texas for his truly outstanding speech and his discourse really on politics in America. He is right. There will be some editorial writers—maybe a lot of them—who will remember me as the bad guy.

But the good news is, as a result of airing out what is being proposed here, which I think the American people largely do not understand, that I anticipate a rallying behind our position of opposition to taxpayer funded elections that will be heard resoundingly on November 8.

As I said earlier this morning, I am astonished that the majority would think that this issue would be a terrific issue to bring up right before the election—astonished at their judgment. I think it probably illustrates more than anything else—and the Senator from Texas pointed this out—the differences between many on that side of the aisle and ourselves. They, I believe, really think it is a terrific idea and most Americans would consider it reform: To push individuals out of the process and to substitute involuntary taxpayer funds. It is an astonishing conclusion but does sort of illustrate the differences between us and how we see America and the political system.

I thank my friend from Texas for coming over. I see the Senator from North Carolina is here, and we are looking forward to hearing from him.

Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Madam President, before the Senator from Texas leaves the floor, I will take note of the fact that before he came to the Congress, he was a college professor. And as I have seen him make speech after speech where he laid down his predicate, made his point, and then summarized what he was talking about, I can just see him in the classroom, and I can also see a bunch of young people loving what he had done for them in teaching that lesson.

But when you stop to think about it, this business of freedom was identified rather succinctly by a fellow named Tom Jefferson. Another party claims Thomas Jefferson, but Jefferson is my hero. I am about as conservative as one can get, and I think Tom Jefferson was conservative. He is the guy, after all, who warned us many years ago that the least government is the best government.

That is what the Senator from Texas was saying. And I, too, commend Senator MCCONNELL. It is a thankless task that Senator MCCONNELL has assumed, but I thank the Senator from Texas and I thank the Senator from Kentucky.

Madam President, another one of my heroes, a North Carolinian named Senator Sam J. Ervin, Jr., used to delight in telling stories about a wonderful town character in Senator Ervin's hometown of Morganton, NC, Lum Garrison, who was a devotee of Senator Sam Ervin. Lum thought so much of Senator Ervin that he took personal offense when anybody criticized Senator Ervin in any way to any degree.

Even back then, Lum did not think much of the Congress of the United States. That was way back when there was a bit more responsibility in the way the Senate and the House of Representatives operated than is visible to a lot of American citizens today.

In any case, Lum Garrison sold newspapers on a corner in downtown Morganton. Everybody knew Lum. A lot of people teased Lum, and he would tease right back. In short, Lum was a beloved character pretty much like the characters in everybody's hometown.

I had one in my hometown of Monroe named Bud Hargett, and I will talk about him in a minute. But Bud Hargett was like Lum Garrison because he was far smarter than a lot of people gave him credit for being.

Lum Garrison greeted Sam Ervin one October morning just after Senator Ervin and Mrs. Ervin had returned to Morganton the night after the adjournment of the Senate. Lum saw Sam and said "Well, Sam, I see you done come home where you belong." He said, "You all had a mess up there, didn't you?" And Senator Ervin allowed that that was so. And Lum continued, "What you ought to do up there is pass no more laws and repeal half of them what you got."

You know, come to think of it, that is a pretty good idea. We ought to pass no more bad laws, spend no more of the taxpayers' money, apologize for the money we have wasted and then go home and do something for the people for a change.

Now, Lum's advice would be right on target regarding this bill presently before the Senate because if there is ever a violation of what Thomas Jefferson talked about in terms of limited Government being the best Government, this legislation is it.

Earlier today, as I do every day that the Senate is in session—and I have done it for almost 3 years now every day—I made a brief report to the Senate which will appear in the RECORD tomorrow morning. This daily report on the irresponsibility of the Congress of the United States is one that has been picked up on by people all over the country. Untold newspapers are running it. A lot of radio stations are including it in their talk shows and other programming. I report the exact size of the Federal debt every day, as of the most recent date available, down to the penny.

Now, I reported earlier today, for example, that at the close of business yesterday, September 21, the Federal debt stood, down to the penny, at $4,685,968,520,515.35. Computed on a per capita basis, this means that every man, woman, and child in America, thanks to the U.S. Congress, owes an average share amounting to $17,973.80.

Now, I hear all of this poppycock about, well, George Bush ran up the debt; Ronald Reagan ran up the debt. It is not so, and anybody who has even looked at the U.S. Constitution knows that it is not so. Only the Congress can authorize spending. Only the Congress can appropriate money to be spent. No President can spend a dime that has not first been authorized and appropriated by the Congress of the United States. So, the dead cat lies on the doorstep of the Congress of the United States, principally, to begin with, the House of Representatives, because all spending measures must originate in the House and come over here and be approved by the Senate.

Now, then, with a debt this large, over $4.5 trillion, should Congress create a new entitlement program for politicians? I say, of course not. But that is precisely what the so-called campaign reform bill will do. It will in essence establish a new entitlement program for politicians so they can put their hands in the pockets of the average guy paying taxes in this country.

What some of my colleagues say is that, oh, we have an urgent need to reform campaign finance laws. Let me tell you something. I do not see it as a major concern of the American people.

As a matter of fact, this legislation is not even a blip on the horizon.

For example, a CBS/New York Times poll just a few days ago inquired of people all over the country: What is the most important issue facing the United States? What do you reckon was in first place? Right. Twenty-six percent said crime; 15 percent said health care; 8 percent cited unemployment; 7 percent indicated the economy; 6 percent said drugs; 4 percent cited morals and values.

I wish the last one had been first because we are not going to get this country straight—and we ought to stop kidding ourselves—until we get morally and spiritually back in place. This country was born, it was created, and in order to have something created you have to have a creator. This Nation was created in God's name and with His grace.

So we inherited something very dear and very obvious, and I fear that we are throwing it away.

But in any event, campaign finance reform did not even come close to making the list. Why, then, is the Senate spending its time on this legislation? I will tell you why. Pure politics.

And as Senator GRAMM of Texas said, I bet you there are newspaper editors all over the country hitting their little old Woodstock typewriters and saying, "Let's give it to MITCH MCCONNELL and HELMS and all the rest of them who are against this bill because we need the Government control of campaigns and we need," the editors are saying, "to make the taxpayers pay for the campaigns."

So that is where it comes in—money from the taxpayers' pockets to finance political campaigns for politicians. That is what we are talking about.

Mr. President, the Senate bill will further rig the electoral system in favor of the incumbents. Now, I am an incumbent. I have been an incumbent for quite a while, just about 22 years, but I do not favor any taxpayer money being made available to JESSE HELMS to spend on a campaign, nor anybody else, nor the distinguished lady occupying the Chair, nor any of the other 98 Senators who are not here presently.

The Senate-passed bill will increase the influence in Congress of lobbyists, professional politicians, special interests, and particularly big labor. The labor union bosses, oh, they love this bill. They love it.

The Senate bill will also reduce the working American's role in political campaigns and, most importantly, it will hand the bill to be paid to the American taxpayer.

The Senator from Kentucky, Mr. MCCONNELL, has eloquently detailed time and time again the spending limits established by this bill, which was S. 3 in the Senate. A candidate who agrees to the applicable spending limits is given a variety of taxpayer-financed and other subsidies.

First of all, it will provide matching funds to counteract opponents who exceed the "voluntary" spending limits; it will provide matching taxpayer funds to counteract independent expenditures made on behalf of opponents; it will provide discounted postage; it will require television and radio stations to sell advertising at rates half the price others are charged for advertising. And in the House bill, there is something called communications vouchers.

Well, I think what we are looking at is Robin Hood in reverse. This bill will take money from working Americans and give this money to politicians, many of whom are very, very rich. I am going to call no names, but I am going to point out a few things about that.

For example, the average household income in North Carolina, according to the Census Bureau, is $26,647. On the other hand, look at these wealthy Senators. I saw one survey not so long ago saying that the average net worth of the 10 richest Senators is $67,800,000. I wish to assure the Chair that Jesse HELMS is not one of those 10.

Now, one of our colleagues, according to this study, is worth $250 million. And yet the taxpayers are going to help him with his campaign. Another is estimated to be worth $35 million, and so forth and so on.

Now, nobody should begrudge anyone for having been born rich. I could name Senators who would not be rich at all probably if it had not been for their daddies and mommies. But the question is not that.

The question is, Should hardworking North Carolinians and people in every other State be forced to subsidize the campaigns of multimillionaires? This Senator says no.

Should the American people be forced to subsidize the campaigns of any Senator? I do not think so.

A few moments ago I mentioned a CBS-New York Times poll. It also included a question regarding campaign finance. That is, "Do you favor public finance campaigning for congressional elections in order to reduce congressional campaign contributions from special interests?" More than half of those responding to this question—54 percent—opposed using taxpayer's money to finance political campaigns. And only 38 percent supported the idea of dipping into the taxpayer's pocket for money to give to political candidates.

There is even a better measure, I think, of how little enamored taxpayers are of this idea of subsidizing the campaigns of millionaires and others in politics. Every year, without exception, the American taxpayers are given an opportunity on their tax returns to designate $1 of their taxes to support public financing of Presidential campaigns. During the past 20 years the vast majority of the American people chose not to approve that. Yet, the funding goes on. In fact, the checkoff rate was so anemic that the fund was nearly bankrupt after the 1992 elections; not enough people checked the blank saying they want $1 of their taxes to go to candidate A or candidate B or C or D running for President.

Seeing that not many people wanted to contribute to that checkoff, President Clinton tripled the checkoff figure from $1 to $3.

Now, despite the fact that it is opposed by the vast majority of Americans, subsidizing the reelection campaigns of rich Senators and rich Members of the House of Representatives is exactly what the so-called "campaign finance reform bill" will do.

The editors may not tell you about this. The commentators may not tell you about it. They may not even mention it. If they do mention it, they will crawl all over MITCH MCCONNELL because he has led the fight against this very bad bill that would have made Thomas Jefferson throw up. I guarantee that Thomas Jefferson would not have tolerated such legislation as this.

MITCH MCCONNELL has called this bill "food stamps for politicians." How much will all of this cost the taxpayers; this bill, if it becomes law? As with any entitlement program—in fairness that is what it is going to be if or when it becomes law—one can only speculate. One can only guess what the ultimate cost to the taxpayer will be. The sky will be the limit. I can tell you that.

The estimates have varied thus far. But all agree that we are talking about a large chunk of the taxpayers' money which will be added to that $4.6 trillion-plus Federal debt that has been run up by the Congress of the United States.

The Democrats who are pushing this bill admit and acknowledge, that it will cost at least $90 million every election cycle to provide matching funds to House candidates alone. That is only a partial cost of the bill—$200,000 per candidate in the general election, coming from the pockets of everybody in this country. There is no checkoff about it. It will be taken from your tax funds, including those of the young people who are just entering the work force.

The Republican Policy Committee has estimated a Government cost per 2-year election cycle ranging from a low of $207 million to a high of $296 million depending on several variables. An additional $50 million is expected to be incurred by broadcasters due to the fact that they are going to be required under this bill to cut by 50 percent the price of advertising by candidates.

The CBO, the Congressional Budget Office, estimates that it will cost $189 million in 1996 alone, if both the House and the Senate bills provide matching funds. And CBO estimates it will increase to $203 million in 1998, and so

forth and so on. And after the turn of the century, the Lord only knows how much it will cost the taxpayers.

As Senators think about these vast sums of money taken from the pockets of the American taxpayers who are already overtaxed, let us have a little pop quiz about millions of dollars, billions of dollars, and trillions of dollars. I am tempted to ask one of the young pages how many millions are in a trillion. How many million dollars are there in a trillion dollars? I asked that in the Cloakroom a few weeks ago. Senators who are erudite, smart, well educated, said "I do not know." But I will tell you, there are a million, million in a trillion dollars.

Mr. President, since there are a million, million dollars in a trillion dollars, there of necessity must come the realization and the reflection upon the fact that the U.S. Government owes more than $4.6 trillion.

I fear for the survival of this country, just where we are now. I invite anybody watching on C-SPAN or anywhere else to get out a pencil and figure how we can handle a debt burden that large. And it is growing. Every day when I walk on the Senate floor and make my report, it is higher than it was yesterday. It is $4.6 trillion-plus. That is what the Congress of the United States—the House of Representatives and the U.S. Senate—has run up in terms of debt, to be shouldered by the young people of this country.

Most of my days are behind me, by any actuarial accounting. But these young people have all of their lives ahead of them, as have my children and my grandchildren, and their children and grandchildren. Figure out how long it is going to take them to pay off the debt that this Congress has run up—the dead cats that have been left on the doorstep of the House of Representatives and the Senate as they say, well, let us spend this billion dollars here and that trillion dollars here, and so forth and so on. And they go home happy that they have done so much for their constituents.

Baloney. They have done nothing for their constituents except run up a debt. That is a shameful assessment of what has gone on for 50 years or more in this country. I want somebody to tell me how we can handle this debt load. One million, millions are in a trillion, and we owe 4.6 of those trillions.

The Founding Fathers at their meeting in Philadelphia a little over 200 years ago—and if I could pick a time other than the time the Lord picked for me to be on this Earth, I believe I would like to have been there, even as a fly on the wall, just so I could watch them talk about the fundamental principles of this country—they were fussing and fighting, as the school boys and girls know. And there was great danger that they were not going to complete the job of creating this country.

There was an old man sitting there; his name was Benjamin Franklin, and he was an old pious fellow. He had been around in his day, as Ambassador to France, and all. But he sat there and listened.

As the story goes, Benjamin Franklin rose and sought recognition and he said something like this: We are much in dispute. Have we forgotten that a God who lets no sparrow fall without His notice is unlikely to let a nation be born not in His name. In effect, he said: I am an old man and we have an opportunity here to create a wonderful country, unsurpassed in this world, unsurpassed in history. And he suggested: Let us close the windows and the doors and get down on our knees and pray for guidance because we need it. And they did, as the story goes. And not many days elapsed until they worked out all of their disputes.

What do you know, the United States of America came into being. They adjourned, and Benjamin Franklin, as the story goes, walked out on the sidewalks of Philadelphia, and the sun was shining, and he was smiling, and a lady rushed up and grabbed him by the jacket and said, "Tell me, Dr. Franklin, what do we have, a monarchy or a republic? He said, "My dear lady, you have a republic, if you can keep it."

That is the challenge that we are facing today. That is the reason I come on this floor every day and report the total Federal debt, down to the penny, as of the previous day. I have done that every day since February 1992.

The Founding Fathers, you see, gave us no escape hatch—"us" being the Congress of the United States. We must take the responsibility for running up the debt and for unwisely or foolishly spending the taxpayers' money. And believe you me, they are waking up. They know what is foolish and they know what is unwise. But do not be misled by these phony declarations that you hear from politicians, or the phony editorials printed charging this President or that President with running up the debt. Not so.

I will repeat: No President can spend a thin dime that has not first been authorized and appropriated by the Congress of the United States.

Madam President, I do not profess to be an expert in anything, really, certainly not in the operation of political campaigns. I have been in a few—most of them I was so glad when I had lived through them. But those who are experts tell me that much more is involved in this legislation than the use of tax dollars to subsidize politicians. They have explained the spending limits in this bill to me, and they tell me persuasively that these limits are intended to rig the system to make it much tougher for challengers to mount a campaign against an incumbent. I say again that I have been an incumbent for about 22 years.

The first problem with the spending limits is that they are set at identical levels for an incumbent and the challenger. And this locks in an unfair advantage for the incumbent who has had years and years of experience, exposure, and all the rest of the things, as a political figure running for office or trying to stay in office.

For example, an incumbent Senator—any one of us—may use for political purposes, if he or she desires to do so—and most do—may use taxpayer-financed free mail. A Senate office for the State of North Carolina receives over $300,000 a year for postage. I do not participate in this free mailing business. I use my postage allowance only—only—to respond to correspondence and never for unsolicited mass mailings that show up in post office boxes all over the country. I return 90 percent, at least, of the $300,000 allotted to me because I am not going to send out handbills, political handbills for JESSE HELMS at the taxpayers, expense; never have, never will.

The point is that a Senator who uses taxpayer paid political benefits starts off with a huge advantage over his or her challenger. A challenger does not have all of that, as anyone elected to the Senate will have had 6 years of free mail valued at $300,000 a year—as I say, $1.8 million—and 6 years of press agents, and so forth.

I do not have a press agent. I came from a news business, and I figured that the newspaper people and the radio and television people can get the news without my having a fax sitting around grinding out publicity releases about what goes on in the Senate.

In addition, the spending limits in this bill are mighty low for someone who is not a professional politician to make himself or herself known to the public, and inform the voters of how he or she feels about specific issues and compare his or her positions with those of his or her opponent.

This is yet another advantage for an incumbent Senator or Congressman, since she or he, unlike the challenger, does not have to spend money to become known to the voters. That is the basic fundamental unfairness at the outset of this bill.

Now then, it costs money to raise money. With the spending limits, candidates will spend as little money as possible to raise money so they have as much as possible remaining for television and radio advertising.

The least expensive way to raise money, and pretty effectively, is for a Congressman or a Senator to use the telephone and call up people for sizable contributions—lobbyists, special interests, political action committees, big labor union bosses. This costs the Congressman's or Senator's campaign the nominal cost of the phone call.

The most expensive way to raise money is from working people, people

with lesser incomes who want to help in a political campaign. And millions do because they are concerned about the future of this country, and they would like to be a part of trying to solve some of the problems. By the way, Madam President, the average campaign contribution in my 1990 campaign was $27.

But raising money, I am here to tell you, when you are raising money from working Americans who do not have big incomes, costs a lot of money. It requires either the use of direct mail, which entails the cost of production and postage for solicitations or the use of large barbecues or other low-dollar fundraisers, which brings in the cost of advertising the event, and providing food and beverages, et cetera.

So the spending limits will force candidates to seek contributions in the least expensive way possible. From whom? You got it. From the big contributors.

And does that not contribute to the influence of the big contributors? I thought these guys over there across the aisle were against that; they wanted the little people to participate in the political campaign. No, no. They are pushing this bill so they can call up the labor union boss down the street and say "Slip me a little bit of money." That is what this bill is all about. Yes, sir. Some of us are determined that it shall not pass.

I do not care what any editor says with his little Woodstock typewriter. He is wrong if he says that this is anything like it might have been envisioned by Thomas Jefferson. This is Government control of the political process, and it is soaking the small taxpayer by making him pay for it.

A little over a year ago, George Will wrote a very, very fine column on the question of spending limits. I have always had a personal interest in George. When I first came to Washington, George Will was a young man who agreed to serve on my staff for a few weeks. I enjoyed having George around. And then all of sudden, he became the token conservative columnist for the Washington Post, and he did not need his small Senate salary. I have been glad to see the meteoric rise of George Will in the journalism profession. He has a good head on his shoulders, and he is a thoroughly honest young man, and he deserves all the success he has had.

Maybe some Senators will remember the column that George wrote which was published in the Washington Post on May 27, 1993. Let me share part of what he said and, as I read it, ask yourself whether you agree with what George Will said. I agree with him. He said:

Truck scales will be needed to weigh the printed words spoken in coming weeks on campaign finance reform. Yet the only campaign law appropriate for a free society would contain just four words: "No cash; full disclosure."

That is what I felt from the word go as a candidate for the Senate. Report every dime and the donor, every dime contributed and every dime spent. That is what George said.

But let me continue. He said:

One reason "reform" is being pushed is to defuse the drive for term limitations for Senators and Congressmen. But the reform bill being debated in the Senate is fresh evidence of the need for term limits. It proves that the political class in its quest for protected incumbency would trample the Constitution.

Well said, George Will. But let me continue.

The bill would create at least $200 million—and indexed to rise—entitlement for politicians in order to empower the Government to stipulate the permissible amount of political speech. The bill offers "incentives" for candidates to accept public taxpayer financing in exchange for spending limits. But the incentives are blatantly coercive.

He is right about that.

The consensus of professional politicians and professional reformers is that political spending is "too high." But when congressional campaign spending in 1992 was 52 percent higher than in 1990, that was a sign of civic health—

The point George is making here is that more and more people than ever before, are participating in the political process, and I thought that was the name of the game: To get more people participating in the political process.

There was a 68-percent increase in the number of candidates in 1992 over 1990, and George says:

The 470 House and Senate elections in 1992 cost $678 million, about 40 percent of the sum Americans spent on yogurt.

He continues:

Spending limits generally handicap challengers' abilities to compensate for incumbents' advantages: name recognition, access to media, franked mail, the use of modern government's myriad favor-buying activities. A ban on contributions by political action committees would simply cause more money to come into the process from individual contributors, or as "soft" money spent on behalf of candidates by non-party organizations like—

Get this.

labor unions. (The bill bans "soft" money for parties, a traditional Republican advantage. Democrats benefit disproportionately from nonparty soft money, so the bill leaves that unrestricted.)

So you begin to see what this legislation is all about. It is very, very partisan one way.

George Will continues:

Fortunately, the Supreme Court has held that the First Amendment requires solicitousness "for the indispensable conditions of meaningful communication."

Then he goes on:

Because soap boxes and stumps are inadequate venues for the dissemination of opinions to a complex continental nation, the court has given constitutional status to the thought that "money talks." Spending is indispensable for effective free political speech. To limit the former is to limit the latter. The court has held that mandatory spending limits are unconstitutional; it almost certainly would hold the new bill's provision unconstitutionally coercive.

I pause simply to reflect that George has lost none of his acumen. He is still a bright young man.

Then he goes on:

Under its provisions, a candidate who refused to take tax dollars in exchange for spending limits would be denied the broadcasting and postal discounts given to government-funded candidates. And if the privately funded candidate exceeded the speech limits—that's what spending limits are—that the government-funded candidate is held to, the government-funded candidate would get a much more than merely compensating infusion of additional tax dollars. The penalties for a privately funded candidate exceeding the government speech ration also include clearly punitive bookkeeping requirements.

Furthermore, with amazing crudeness the bill would require all privately funded candidates to include in their broadcast advertisements the statement that "the candidate has not agreed to voluntary campaign limits." An American Civil Liberties Union dissection of the bill tartly notes that the bill's sponsors would not consider the following an acceptable alternative statements: "The candidate has chosen not to sell his First Amendment rights to the government in order to be permitted to spend tax dollars." Fortunately, the court has held that the First Amendment protects the freedom to choose "both what to say and what not to say."

Because money is fungible, attempts to regulate it in order to ration speech must beget a huge speech-policing bureaucracy and mare's nest of rules. Suppose candidate Smith favors, and candidate Jones opposes, intervention in Bosnia. Suppose citizen Green runs a substantial advertising campaign opposing intervention. Is that a "soft money" contribution to Jones? If Smith is taxpayer-financed and Jones is not, would Green's expenditure trigger a "compensating" taxpayer subsidy to Smith? Imagine how gargantuan the Federal Elections Commission will be when it is policing permissible speech in upwards of a thousand Senate and House primary and general elections every two years.

The court has held that "it is not the government, but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign." Were the political class serious about opening the political process and leveling the field for challengers and incumbents, the political class would turn not to public financing, which the public opposes, but to term limits, which 75 percent of the public favors.

True, public financing would eliminate fundraising, the most tiresome aspect of careers devoted to politics. But there should not be such careers. And until the political class will accede to term limits—or, what is much the same thing, until it will allow a constitutional amendment limiting terms to be considered by the states—nothing should be done to make the life of the political class less disagreeable.

Now, Madam President, for those who may have tuned in to C-SPAN in the last 2 or 3 minutes, let me summarize just in closing what this so-called

campaign finance reform bill is all about.

The campaign finance bill will help close off the political process to middle-class, working Americans and make it even more the domain of incumbents—and I reiterate, I am a 22-year incumbent—it will make it more the domain of professional politicians, lobbyists, big companies, and wealthy people—paid for by the same people who always do get it in the neck from Uncle Sugar, the working taxpayers who are struggling to educate their children and raise their families.

Specifically, this legislation will make it easier for incumbents to get reelected and make it tougher for nonpoliticians to run for office. It will effectively remove from the campaign fundraising process those working Americans who can afford to give only small dollar contributions to candidates. It will require Senators to spend more time raising money, not less. It will make even more important contributions from the wealthy big givers, professional political money managers, and large corporations.

Is that the way we want to go?

It will further empower special interests and lobbyists. And, of course, it will send the bill to be paid by the very people being further excluded from the process, and that is to say the middle-class, working American citizen.

The so-called public interest groups believe that spending money on campaigns is inherently bad. They have it backwards. They are wrong. As George Will writes, Government-set limits on campaign spending entrenches incumbents and special interests.

And I say again, I wish Thomas Jefferson could come in that door and walk around here. I do not know how much Thomas Jefferson engaged in profanity, but I suspect he would have some choice words about it. Because he is the guy, as I said at the outset, who said you are better to have a small government because the least government is the best government.

Well, I am going to stop at this point with just this comment, Madam President. I referred to Benjamin Franklin in Philadelphia 200-and-some years ago and what Ben Franklin said to that lady who rushed up to him after these people whom we today call our Founding Fathers had adjourned, after they had created, with guidance, this form of government.

That lady rushed up and tugged him on the jacket and said, "Tell me, Dr. Franklin, what do we have, a monarchy or a republic?"

He said: "You have, my dear lady, a republic, if you can keep it. You do not have a monarchy."

Well, keeping it is what we are supposed to be engaged in. But this legislation is 180 degrees the wrong direction in keeping the Republic.

Madam President, I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. If my friend, the Senator from North Carolina, would remain just a few more minutes. Because I know he has some additional time, I would like to, on his time, just have a brief discussion here. We have a couple more minutes.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. McCONNELL. My friend from North Carolina, I thought, very skillfully pointed out the difference in the way the two sides look at this issue.

The majority, I guess, with all good intentions, although I have a hard time really understanding the logic of it, wants to, in effect, stipulate how many people can participate in politics.

I wonder if my friend from North Carolina could share with me, because I am having a hard time grasping it, just what their rationale could possibly be for wanting to quantify the number of voters who could participate in a political process?

Mr. HELMS. I hate to give my friend a short answer, but, it beats me.

I have discussed it with many friends—and both of us have many friends on the other side of the aisle with whom we discuss issues—and I have been unable to have any of them discuss the concept of limited Government.

You know, every time we expand Government, "Well, this is good," they say. But, the trouble is that when you expand Government, you are diminishing what Thomas Jefferson talked about.

Mr. McCONNELL. Madam President, I have often heard my friend from North Carolina's 1984 campaign cited as an example of how too much money is spent in campaigns. And I have often grappled with what kind of thinking brought any rational human being to that conclusion. Because I believe I am correct that if the Senator from North Carolina—and his opponent, for that matter—were able to raise in excess of $20 million, or maybe my friend can tell me what it was, would not that require the participation of enormous numbers of people?

Mr. HELMS. Exactly. I will say to my friend—and I have not mentioned it—but we set a new record in the number of contributors that year. My best recollection is that we had 210,000 people contribute to our campaign an average of about $17.

Mr. McCONNELL. Could I just go further there with my friend? In what conceivable way could any rational human being reach the conclusion that the Senator from North Carolina was corrupted by the participation of—how many did he say? 200,000?

Mr. HELMS. It was 210,000.

Mr. McCONNELL. In what conceivable way would any rational human being conclude that the Senator from North Carolina was corrupted by the participation of over 200,000 people?

Mr. HELMS. I do not think there is a rational—when you throw in that word "rational" you defy any possibility I can answer your question, because I think it is irrational.

Mr. McCONNELL. Is it not true our goal in politics is to try to encourage the participation of people? We want large numbers of people to participate, do we not?

Mr. HELMS. That is my understanding. I do not think the Senator from Kentucky would be in the Senate today—and I would not have been—if I had to depend on the labor unions, if I had to depend on the special interests who contributed, in each case that I have run, to my opponent and not to me. I will say to the Senator, I had the little people with me. And I was proud to be on the same team with them.

Indeed, in 1990, there were more than 458,000 of them—meaning contributors to my campaign that year.

Mr. McCONNELL. Mr. President, 400,000 American citizens participated in the Helms campaigns.

Mr. HELMS. One of them; the most recent one.

Mr. McCONNELL. Just one of them. I defy any of my colleagues who support this legislation to come to the floor of the Senate right now and tell us in what way the participation of 400,000 Americans in the campaign of Senator HELMS was inappropriate in any way—in any way.

Mr. HELMS. I have to say, I agree with my friend from Kentucky. I have always been proud the people have supported me.

I did not mean to get into a boastful observation about my own experience. But I would not have had a chance ever, including the first campaign, if I had to depend on the politicians, the labor unions and special interests. Never have I been able to do that.

And it has worked out fine. For however long I will be in the Senate, I will be grateful to the people who supported me and regretful I did not persuade even more people to come our way.

Mr. McCONNELL. I would say to my friend from North Carolina, I congratulate him on the number of American citizens who have been inspired by his leadership and have chosen to voluntarily support his reelection. I ask the Senator, under the underlying bill, with a Government-dictated, mandated speech limit or spending limit, I gather my colleague from North Carolina would have to craft letters to send back to these folks saying, "I am sorry. You cannot participate. The Government only allows so much participation in my campaign?"

Mr. HELMS. That is right.

Mr. McCONNELL. "You are out of luck. Those who got in early had a

chance to participate. But the people who just maybe did not get interested in the campaign until maybe a little bit later, you got interested too late in the campaign and you cannot speak." Is that my reading of the bill?

Mr. HELMS. I must fantasize again. What do you think Thomas Jefferson would say if he were here, hearing what you are saying?

Mr. MCCONNELL. I say to my friend from North Carolina, this is the most appalling, unconstitutional, ill-advised legislation that I have seen before the Senate in my 10 years here. I know we have had a lot of bad bills around here. I have opposed a bunch of them. The Senator has opposed most of them. I must say this is the worst monstrosity I have ever observed.

How anybody could support this thing with a straight face is beyond the mind of man. And Thomas Jefferson would be appalled at what had happened.

Mr. HELMS. I believe he would. All I can say to the Senator is, Amen.

Mr. MCCONNELL. I thank the Senator from North Carolina. He has made a wonderful presentation. I think his own personal experience with vast numbers of small donors is a classic example of what is good about the American political system, what is right about the American political system, and should never, ever be restricted by some kind of Government fiat that only so much participation will be allowed in American politics. So I thank my friend from North Carolina.

Mr. HELMS. I thank my friend from Kentucky, and I congratulate him on the marvelous leadership he has provided, not only on this occasion but during all the previous weeks before that he stood at that desk and provided the leadership on this bill. I thank the Senator, and I want him to know I admire him.

Mr. MCCONNELL. I thank my friend. I see Senator MCCAIN is here. I yield the floor.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Arizona.

Mr. MCCAIN. Mr. President, while my friend from Kentucky is here, I would like to just ask him a couple of questions. Because, apparently, we are going to have a deal on campaign finance reform. According to media reports, there has been an agreement, an agreement amongst the members of the other party. I ask my friend from Kentucky, has he been consulted by any Members from the other side of the aisle on this issue?

Mr. MCCONNELL. I would say to my friend from Arizona I am unaware a deal has been struck. I understood there was some meeting today. Maybe he could enlighten me as to what might be the parameters of such an agreement?

Mr. MCCAIN. I would say to my friend from Kentucky, first of all, I am sort of astounded that he has not been contacted. It is well known that the Senator from Kentucky has been designated by all Members on this side of the aisle to be our leader on this issue. He has been so for several years. He has probably more expertise than anyone that I know on this issue. Yet I am sort of surprised—although maybe I should not be surprised—that he has not been consulted. I would say to my friend that I, also, was one of the few Members on this side of the aisle who actually voted for the bill. I felt it should move forward.

I think it might be of some interest to my friend from Kentucky that I have not been consulted either. I have not been talked to—one of I believe seven Members from this side of the aisle who vote in favor of the bill originally—I have not been consulted.

Mr. President, it gets a little tiresome. It gets a little tiresome that we are supposed to be working on a nonpartisan issue, an issue that is important to the American people, that is important because of the view that the American people have that Congress is corrupted by the campaign financing that exists in America today, and we want a bill all of us can support. Yet neither I nor the Senator from Kentucky, and frankly no one that I know of on this side of the aisle, has been contacted. So, therefore, the distinguished majority leader and my dear and good friend from Oklahoma, Senator BOREN, are astounded that people on this side of the aisle should be resistant to taking up a bill which we have yet to see—which we have yet to see.

I ask the Senator from Kentucky again, if I could have his attention, has he seen any legislation?

Mr. MCCONNELL. I will say to my friend from Arizona, this is since last November. Almost a year ago, when the House passed a bill, this has been a Democratic conference, if you will, kind of an unofficial Democratic conference. I think it continues this afternoon.

Mr. MCCAIN. I thank my friend from Kentucky.

Mr. MCCONNELL. I do not know of any Republicans who are privy to these discussions.

Mr. MCCAIN. I thank my friend from Kentucky. I guess the first point I want to make is, it is a bipartisan bill without Members on one side of the aisle being consulted.

I would like to take this opportunity to thank especially the Senator from Oklahoma, Senator BOREN, who has worked extremely hard on this issue in a dedicated, nonpartisan fashion. I wish I could say that were the case with everybody that has been involved in this issue.

Mr. President, if we are not going to have at least consultation, much less input, with those on this side of the aisle, then no one should be surprised that we would be resistant to taking up this legislation. If there are deals cut and legislation done before conferees are appointed, which would mean that there would have to be Republican conferees as well as Democrats, if the deal is done before Republican conferees are appointed, then, frankly, I certainly understand the opposition of the Senator from Kentucky to having conferees appointed, if there is no sense or there is no reason to do so because there is no participation from Members on this side of the aisle.

Here we are now, 2 weeks remaining in this session. The leadership has made a deal, so I am understanding, and they are ready to move. I do not believe that is the way we should pass such important legislation, and we know what will occur next: They will convene a conference behind closed doors, the legislation will be doctored to their liking, and they will bring the bill back and blame this side of the aisle for stopping the bill. We have seen this before.

I believe that a good campaign finance bill should be passed. That is why I voted for the first version and I will vote again in the future for a good campaign bill. It is very hard to support legislation about which you are not consulted. A fundamental change in the way that elections are conducted in this country is going to be presented to me, an original supporter of the legislation, with significant changes associated with it. I do not think that is the way to do business. I can only assume that those who are proposing this legislation either do not care about or believe my view on this issue, or others who might vote for it, or they just figure they can just roll us. Neither of those, I think, is an accurate depiction of the situation.

One of the issues that has arisen and remained constant throughout this debate is that of political action committees, which is a major one. The legislation that passed this body banned political action committee participation. Period. Zero. End of story.

Now, of course, we know or have heard that the legislation will return with, instead of $5,000, $2,500. So if political action committees are evil, as is viewed by many Members—and I think the RECORD will show that was the depiction of them when we went through this bill the first time—we are just going to have about half as much evil as we had before. We are not going to eliminate the evil, we are going to have just half the evil, when, in fact, Mr. President, the effect of cutting the maximum contribution from $5,000 to $2,500 per cycle would really have no effect. You would just have more political action committees who would be giving $2,500 each instead of less who would be giving $5,000 each. I think we know that.

Let us not kid ourselves about whether we are going to eliminate PAC money or we are going to have PAC money. It is one of the two. Let us not try and kid the American people that a $2,500 limit is anything but a continuation of the PACs.

I think it is interesting that there was a New York Times editorial back in May 1994, and it talks about:

The House and Senate have an opportunity to overhaul a discredited system of campaign financing that puts Congress in hock to special interests, favors incumbents and discriminates against challengers. But House Democrats are playing a cynical game of chicken with the Senate that could doom reform.

This is from the New York Times lead editorial of May 4, 1994:

President Clinton, who thundered about reform during his campaign, should tell Speaker Thomas Foley and House majority leader, Richard Gephardt, to stop the shenanigans. It is the least he can do, given his earlier pledges. Continued Presidential silence also undermines Mr. Clinton's friend and ally, George Mitchell, the Senate majority leader, who has done so much to help the President on other issues and who hopes to see campaign reform enacted before he retires the end of this year.

This is the way the game is being played. Last year both chambers passed reform bills; Democratic leaders are now meeting to reconcile differences. One crucial difference involves the amount of money a Member may accept from a single political action committee.

The House bill preserves the current law's excessively generous ceilings—$5,000 in a primary campaign, another $5,000 in a general election. The Senate bill contains a flat ban on PAC's. In the likely event the ban is ruled unconstitutional, the Senate bill would impose a $1,000 limit in both primary and general elections.

Mr. Foley and his colleagues know that any final bill faces a threat of a filibuster in the Senate. They also know that the key to avoiding a filibuster lies with seven Republicans who went way out on a limb last year, defied their own leadership and provided the votes that ended a filibuster of the original Senate bill.

These seven Senators cannot realistically be expected to accept the greedy House PAC limits. Apparently, however, it is the hope of Mr. Foley's negotiating team to persuade the Senate negotiators to accept the House version—its unacceptably high PAC limits intact—and take it back to the Senate for a vote.

At which point the bill will probably die, giving House Democrats the result they seem to want—preservation of the current system and their cushy PAC contributions—without getting the blame they will deserve.

That would be consistent with past behavior; foot-dragging by House Democrats last year, when the momentum for change generated by the Presidential election was still strong, is the main reason there is no reform on the books now.

For the public record, Mr. Foley and Mr. Gephardt say they really do want reform. Their approach suggests otherwise, and it is clearly time for President Clinton to join the fight. Beyond sporadic rhetoric, he has put little effort into campaign finance reform. The public would have every right to suspect his leadership if his own party helps scuttle a central promise of his campaign.

Mr. President, the information I have is that PAC's will be cut from a $5,000 maximum contribution to $2,500. There was a study done sometime ago that showed that would have about a 1 percent difference in my State in political action committee contributions. I have that information available. The fact is, if you have one PAC that supports those who are in favor of preserving our great natural resources and that political action committee, which is accustomed to giving $5,000 per cycle, would now become two political action committees, each of them providing $2,500 per cycle. The end result would be fundamentally the same.

Mr. McCONNELL. Will the Senator yield on his time just for an observation?

Mr. McCAIN. I will be glad to yield.

Mr. McCONNELL. I believe the study to which the Senator is referring, which I think he now has, was interestingly enough done by Common Cause.

Mr. McCAIN. That is exactly right.

Mr. McCONNELL. The arbiter of morality in this town.

Mr. McCAIN. That is exactly right. It is interesting because Common Cause on June 29 said:

Common Cause urged House Democrats to agree to cut individual PAC limit in half and act quickly on meaningful campaign finance reform legislation.

Common Cause today strongly urged House Democratic leaders to end their opposition to cutting the individual PAC limit, which threatens to kill campaign finance reform, and to agree with Senate Democratic leaders to cut the limit in half.

House Democrats have voted for an aggregate PAC limit in the House-passed bill.

"Adding a cut in the individual PAC limit to the bill would not have a significant impact on House Members," Wertheimer wrote. "But a failure to cut the individual PAC limit will ensure that the campaign finance reform legislation is killed in the Senate."

You know what is interesting about this, I say to my friend from Kentucky, is that, on the one hand, Common Cause says that they should agree to the cut and, on the other hand, they say it would have no effect.

So what has Common Cause done? As has been their habit time after time in the past, they have sold out. They have sold out, Mr. President, so that they can claim that they caused campaign finance reform, which really has no impact, when we are talking about what they are agreeing to on cutting the PAC limit, and then they can send out more letters and get more money in contributions to Common Cause.

By the way, common cause is an organization which is steadfastly, zealously pursuant of openness in records, and yet I would like to ask any of my colleagues if they have ever received a list of those who contribute to Common Cause. I do not think so. And there have been several times when Common Cause has been asked to reveal their list of contributors.

Guess what, Mr. President? They will not. I have dealt with some organizations in my time in Washington which are guilty of hypocrisy. Common Cause is the worst. They have more gall than any organization that I have ever dealt with—agreeing to cutting political action committee contributions in half, knowing full well that it has almost no impact.

Mr. President, Common Cause should change their name: Uncommon Washington-Inside-the-Beltway Publicity-Seeking Cause is a better name for that organization. And, frankly, they have set back the cause of true campaign finance reform rather than advance it. But, Mr. President, even though we will not be able to know what their contributions are, I will bet you that their contributions are way up. I have seen some of their fundraising letters. They are really artfully and cleverly done. So I urge my colleagues to give Common Cause the attention and consideration they deserve, which is zero. They are part of the problem, not part of the solution.

Mr. President, the next area that is of interest that was a major issue was the House and Senate playing by the same rules. Now, here are two bodies, bicameral in nature, as we know is the makeup of our Government, and yet there has been attempt after attempt to have the House and Senate have different rules for a long time. If the Senate refuses to back down on the PAC thing, well, then, we will just do it differently. I do not think the American people expect us to do that.

The third area is that all soft money must be disclosed, including nonparty soft money. Mr. President, one of the biggest sources of funding of both parties today is the so-called soft money that goes into these various parties and campaigns, and much of it is not disclosed. I am not sure what we do about soft money because of the constitutional prohibitions on prohibiting someone or some organization from being involved in a political campaign. But at least the American people deserve the right to know where this money came from and who gave it.

In-State contributions should be favored over out-of-State contributions. I think clearly it is the mark of a candidate's support when the contributions come from his or her State. And obviously, I think we have tried and will continue to try to give some favorability in that direction.

Severability. If any part of this package is struck down, the rest of the reforms will survive intact.

And then, of course, taxpayer financing of campaigns.

You know, Mr. President, the answer, when the American people are asked, "Do you support campaign finance reform?" is overwhelmingly yes. And then you ask the American people, "Do you think that taxpayers should finance political campaigns?" Some say

yes. Then you ask an additional question. "Should we finance the campaign of Lyndon La Rouche? Should we finance the campaign of"—I am not sure I pronounce the name right; maybe my friend from Kentucky can help me—"Lenor Fuyoni."

Mr. McCONNELL. Lenora Fulani.

Mr. McCAIN. Lenora Fulani.

Mr. McCONNELL. OVER A MILLION BUCKS.

Mr. McCAIN. I thank my friend from Kentucky. Lenora Fulani. I would not want to mispronounce anyone's name. The fact is that the taxpayers did finance Ms. Fulani's Presidential campaign. Mr. Lyndon La Rouche—please, I ask my friend from Kentucky, who is the expert on these issues—it is my understanding his campaign received money while he was in jail.

Mr. McCONNELL. Right.

Mr. McCAIN. While he was under a prison term.

Mr. President, the American people do not understand that, why their tax dollars should go to finance someone's campaign while they are in prison. And that is one of the major problems here with taxpayer financing of campaigns.

Who is it that is eligible for these moneys? If we restrict it to the two major parties, then clearly, clearly, we are shutting out other legitimate candidates and parties. If we do not, then we end up, of course, financing the campaigns of people who not only do not have a chance but can be carried to the extreme degree of people who are in prison.

The issue of taxpayer financing of campaigns has been debated ad nauseam on the floor of the Senate. But I have yet to hear of a viable proposal that I think would meet the test, that would gain the support of the taxpayers of America.

As far as the war chest rollovers, one thing we know—and it is common throughout campaigns, but it has been particularly true amongst long-time incumbents—is, of course, the campaign war chest. I know of campaigns, and I will not mention the State, where the individual incumbent has over $1 million in his campaign war chest. I ask my colleagues, especially if it were a House race, how would you feel about challenging an incumbent that you know has a $1 million advantage the day of filing? Clearly, that would be a daunting challenge. And what it does, as we all know, is that it just stifles opposition. People are very reluctant to engage in a campaign where they know that the incumbent can outspend them by millions, literally millions.

I think it is clear that there has been times where extremely wealthy candidates have made personal loans and then have paid them back from the campaign funds after they have won the election. That also is a clear disadvantage for challengers.

For Senators, maybe we should ban all campaign activities except within the 2 years immediately preceding a campaign. Maybe we should not be raising moneys the day after we are elected to a 6-year term. I think that Senators can, but I think it is wrong.

Now, the personal use of campaign funds must be immediately banned. Mr. President, I want to talk about that point at a little length because I think that when the average citizen gives money to a person's political campaign, he has the right to expect that those funds would be spent on what we know of as normal campaign activities—the purchasing of TV or radio ads, printing of brochures, bumper stickers, paying for phone banks, all of the normal things that we see in a political campaign.

Let me tell you some of the things that these campaign funds have been used for. An individual enjoyed a leisurely 8-day stay at South Seas Plantation in Captiva, FL. Their accommodations during the first 3 days were picked up by one of the industry organizations; the next 5 days were paid by the campaign. A vacation in Florida.

Some Members of Congress appear to use their campaign treasuries as little more than giant slush funds for purchasing whatever items they cannot buy with the stipend they receive from the Federal Government to run their congressional offices or with their own money.

I also remind my colleagues that Senators and Members of Congress currently earn $139,000 a year. We are in the top 1 percent of wage earners in the country. Let there be no mistake; Members of Congress earn a good wage, and we are not poor.

There were people who bought themselves expensive new cars. There were people who chartered airplanes. There were people who rented apartments with campaign funds. Campaign money was used to pay for country club memberships. In fact, in a couple of cases they paid for tuxedos. Two Members used campaign money to endow academic chairs in their names. One individual used campaign money to commission an artist to paint a $3,000 portrait of his father. Others paid relatives to do work on their campaigns. One individual used thousands of dollars from his campaign funds to decorate his Senate office. He spent more than $6,000 on furniture and picture framing; afterwards $15,480 for Indian art; $4,490 for a jumbo illuminated globe, and $522 on a lamp.

Most of these expenditures were not even remotely improper under congressional ethics rules. While many of them appear to be personal expenditures, most have a plausible political justification. A campaign car for example is usually viewed as the cheapest way for a candidate to travel around the district. Chartered airplanes are sometimes rationalized as the only logical alternative for those incumbents who represent big States or districts. Country club memberships are defended as necessities for incumbents who need to entertain political supporters and throw fundraisers. But some expenditures are more difficult to justify such as a resort vacation and meals in Washington, DC, area restaurants.

Beginning in 1990 Members of Congress were no longer permitted to accept any trip from a corporation or lobbying group that exceeded 3 days. Thus, some Members have taken 3 days from a corporation or lobbying group and then paid for the additional days with campaign money.

Many of the FEC reports filed by congressional candidates contain items that strain any commonsense standard for political spending. When a Member of Congress picks up the tab for an expensive dinner in London, Jerusalem, or Timbuktu, what possible relationship could this have to a reelection campaign? When a Member of Congress reports buying a $100 constituent gift at a gift shop in Florida it seems likely that the constituent was really a friend or relative. When Members of Congress report spending about $900 a week on political meetings, any reasonable person might suspect that it may not be the truth.

The rules of Congress are not silent on this matter. Expenditures such as these were addressed most recently by the House Ethics Committee in the 1986 ruling in a case involving a former Representative. In that case, the committee ruled that campaign funds should not be spent for any purpose that is not "exclusively and solely" for the benefit of the campaign.

Moreover, the committee added a bona fide campaign purpose is not established merely because the use of campaign money might result in a campaign benefit in an instance where the benefits are personally realized by the recipient of such funds where the individual has the discretion of whether to share benefits he might receive from the use of campaign money.

There was $7,000 which one Member spent on an "image consultation" and a new wardrobe. An individual spent $325 at a gem store in Bangkok. Another bought Cotton Bowl tickets that were given to his brother. Another paid for hunting and resort fees in Arkansas. And another spent $327 at a restaurant in Paris.

A very important issue—to me anyway, and I know to my constituents—is the personal use of campaign funds. It is my understanding that it will not be included in the so-called deal that has been already consummated behind closed doors in a back room somewhere here in the Capitol—I doubt if it is smoke filled anymore—without the consultation of the Members of this body, nor of this individual Senator, who voted in favor of the original legislation.

I would like to continue this depiction of the uses of some of the campaign money for purposes that I am sure exceeded the wildest imagination of the contributors.

As I mentioned, one Member of Congress spent $7,000 on image consultation and a new wardrobe. Another spent $325 at a general store Bangkok, Thailand. Another bought Cotton Bowl tickets that were given to his brother. Another paid $1,095 for hunting and resort fees. Another spent $327 at a restaurant in Paris. I would like to find out the name of that restaurant. It is not easy to get out of a restaurant in Paris for $327. But it is hard to escape the obvious conclusion that, in many instances, campaign funds are being used by Members of Congress for purposes of primary and personal, under the definition that was laid down by the House and Senate Ethics Committee.

Similarly, when Members of Congress report thousands of dollars of unitemized expenses, they leave the impression they are dipping into their campaign treasuries for pocket money.

Under the rules, Members are not required to itemize expenditures of less than $200. Using that loophole, one individual failed to itemize $89,202 of his spending in reports to the FEC. Another failed to itemize $84,741. Another failed to itemize $78,250.

Mr. President, you have to be pretty creative to come up with $70,000, $80,000, $90,000 worth of expenditures of less than $200 each.

In addition, many Members submitted reports that mask the true nature of their expenditures by using vaguely worded descriptions. Senators are strictly prohibited from pocketing their campaign money when they retire. Senior House Members can take advantage of the so-called grandfather clause that, until 1993, could convert excess campaign funds to personal use upon retirement. In the case of a Member's death, campaign funds become the property of the Member's estate. When a Member died in 1991, his campaign funds were used to pay for the funeral, burial, and a $35,000 tombstone.

Campaign spending by Members of Congress is a highly individual matter reflecting a candidate's personality and approach to the job. Many are frugal; some are freewheeling.

Whenever a Member of Congress spends $500 in campaign funds for dinner at a fancy restaurant, or $3,000 for a painting, contributors are unknowingly footing the bill. It takes many small contributions from loyal supporters back home to pay for such extravagances. If small contributors were aware their money was being spent on unnecessary purchases, perhaps they would be less likely to contribute in the future.

A retiree in California wrote a check for $250 to one of the Congressmen and said, "I am not happy about the money that he feels he has to raise when he has no opposition, but, unfortunately, that is the way the system works."

What I am talking about here, Mr. President, is personal use of campaign dollars. We make $139,000. We are in the top 1 percent of income in America, and the overwhelming majority of contributions that I receive come from constituents who make less money than I do. Yet, these campaign contributions are being spent for some of the most bizarre and unusual purposes, from memberships in country clubs to tombstones.

The use of automobiles and apartments is another interesting facet of this problem. Campaign funds have been used for luxury automobiles, often equipped with cellular phones, which have become a common campaign expenditure for many incumbents.

Mr. President, when a candidate is campaigning, I understand the leasing of a car to be an important part of a campaign. But bringing that automobile to Washington, DC, is something that I am not clear on. I do not know how that could be part of a campaign, unless someone is campaigning for votes from tourists from his or her State who are visiting our Nation's Capital; and even then I am not sure it would justify leasing or purchasing an automobile. One individual spent $56,782 on campaign cars over a 6-year period, including the cost of insurance, license plates, registration, and maintenance.

In one case, another Member maintained two cars and a van with the use of campaign funds, at a cost of $66,811. Another campaign paid more than $26,000 during a 2-year period to lease two new cars, one of them a convertible that the individual described as a "parade car." He later returned the parade car to the leasing company. While most Members reported having only one campaign car, it was often an expensive, late-model automobile. One individual used his campaign funds to lease a $799-a-month automobile for his use in Washington, DC.

Another individual paid $30,000 for his powder blue Lincoln Continental. Another bought an $18,000 Ford LTD. Another purchased a $23,000 Lincoln Town Car that he kept when he retired.

Of those who maintained campaign vehicles, one seemed to have bad luck. During the 1990 cycle, he paid nearly $30,000 to purchase a new 1994 LTD and purchased a 1985 Ford van. Once in the campaign, the van was destroyed when it burst into flames and had to be replaced.

Members of Congress find it easy to purchase campaign cars with political funds. But, they had sometimes difficulty explaining to hometown journalists why they needed such luxurious automobiles.

One, asked by a local reporter to justify his new Lincoln, replied he chose it because it is big and could haul several passengers. He went on to say there is a very legitimate need for transportation. I do not think this is the kind of campaign expenditure the people are concerned about. This is all up front. It is a pure provision of transportation for political purposes. There is nothing hidden here. There is nothing improper about it at all.

But it raises questions.

Someone during one of the campaigns rented a $900-a-month apartment in his hometown about 40 miles from his permanent home. The reasoning was that although he did not go back to Arkansas every weekend, and the rent was less than the cost of a hotel room.

Another individual's $500-a-month apartment served as an office for the staff and a place for the person to sleep.

Traveling and entertainment: Travel is one of the necessities of life for the Members of Congress, and no one can blame them for wanting to go in comfort. But the availability of millions of dollars of campaign contributions from special interest groups has allowed many incumbents to adopt a style of travel normally reserved for top corporate executives and the rich. Reports submitted to the FEC by Members of Congress contain page after page of expenditures for such things as chartered airplanes, expensive restaurant meals, and luxury hotels, and many of them appear to be for purposes that are more personal than political.

One Member of Congress reported spending large numbers for traveling between hometown and Washington, DC. Over 2 years, one individual spent nearly $13,000 of his campaign funds to fly his family around for holidays and attend fundraising events. Another one used $4,686 from his campaign funds to pay for air fare so his wife could accompany him on a trade mission to Australia.

Whenever Members of Congress are traveling, they frequently charge some of the meals to the campaign, whether or not the trip had an explicit campaign purpose. One person's campaign, for example, picked up a tab for $332 at a restaurant in East Hawthorne, Australia.

Another used campaign funds to pay a $788 hotel bill at the King David Hotel in Jerusalem. Another spent $7,400 on 130 meals in Washington, DC; New Jersey; New York; Florida; Thailand; Taiwan, and Italy. All of those were campaign funds.

Many Members of Congress said that their travel-related expenses were entirely for campaign business. Yet, when one Member and staff spent $107,000, or about 4 times more than any other campaign for meals, $107,000, that explanation seems impossible.

Country club memberships are often purchased with campaign funds. One

individual said he used his two campaign-funded country club memberships to entertain constituents. An aide to one of the Members said he saw country club dues as a legitimate expense because it is a matter of keeping in touch with old friends and, of course, he does take visitors to the country club.

Another one said membership in a club is justified to be paid for by campaign funds because it is a gathering place for political leaders. To improve his appearance at political events, one individual spent $333 on a new tuxedo; another paid a tuxedo shop $299 for bow ties.

Members of Congress cited political reasons to justify an array of other travel and entertainment expenses that were not entirely political. Seven House Members dipped into campaign funds to pay for dues at the House gym. To boost office morale, campaign funds paid for a beer party for one Senate staff, and also bought Washington Redskins tickets which were given to the winner of a weekly office drawing.

One individual's wife received an unusual birthday gift from her husband's campaign committee. The unusual birthday gift from the husband's campaign committee was a fancy fundraising party held on her birthday, and payments totaling $5,659 for organizing the event herself. That must have been a wonderful birthday.

When a relative's name shows up on the campaign payroll, it is bound to raise some suspicions that the job may be a sinecure. Before the days of multimillion dollar congressional campaigns, relatives more often were expected to work as unpaid volunteers, and there are a number of wives and husbands who serve without pay. There are many others that do not.

There is a Member's wife who lived back in the State who received more than $25,000 in consultant fees and expenses for reimbursement from her father's campaign.

Spouses often receive expenses but no salary from the campaigns. One took nearly $22,000 for what was reported to the FEC as office travel, mileage, and unspecified other reimbursement. At the end of the 1990 cycle, the campaign still owed $705 for mileage.

Another wife of a Member received $15,655 for her campaign related expenses.

One wife ran her husband's campaign while overseeing the family business. She charged her husband's campaign $2,860 to purchase and maintain a car phone and $30,979 for travel even though she earned no salary.

Another relied on a firm owned by his daughter. Her fees in the 1990 election cycle came to nearly $60,000.

Likewise, a Member employed his daughter as a primary consultant, and this person has been deeply involved, whose principal function was fundraising services. She also provides for other nonprofit groups for her fundraising expertise. She received $53,242 from the campaign during the 1989–1990 cycle.

One of the Members paid his father $250 for each speech he made on behalf of his son, for a total of $6,250.

There are also legal bills, Mr. President, that are paid for with campaign funds, sometimes a very, very great deal of money.

One spent $143,122 battling allegations relating to his relationship with a male prostitute. Another battled longstanding charges of bank, mail, and tax fraud stemming from an alleged influence buying scheme, in addition to spending $183,000 in campaign coffers in legal and accounting fees, and also collecting donations from separate legal defense and raising nearly $450,000 since the charges were first bought.

One of the largest legal bills reported in the 1990 cycle was $100,000 paid to settle a libel suit by an individual who was a previous opponent.

Another bill, before resigning, this individual piled up $1,000 in legal fees even though he consistently denied recurring rumors. Aides insisted payments were made for audit of his finances. In the 1990 cycle, $208,000 from his campaign coffers were spent on lawyers and accountants.

It goes on and on.

Older Members of Congress look to their campaign funds as a way for preparing for retirement or their posterity. In the 1990 cycle, senior House Members were still eligible to convert campaign funds to personal use upon retirement, and all Members of Congress were free to make large charitable donations to make sure they would be remembered fondly after death. At least five Members of Congress who retired or died during the 1990 cycle, their campaign funds were either converted immediately to personal use or turned over to their estates. Even death could not legally separate veteran Members from their campaign funds.

In 1989, a year after one individual's death, his son inherited his father's House seat and got a $99,000 share of the leftover campaign funds.

FEC records show that the widow and four children divided the $605,000 campaign Treasury. Likewise, the estates of two House Members who died during the 1990 cycle received their campaign funds.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. McCAIN. Yes.

Mr. McCONNELL. I guess I would say to my friend from Arizona, I am not really requesting specific names, but I have been listening intently to his recitation of expenditures of campaign funds that certainly this Senator would find inappropriate. Now, maybe the FEC has not ruled on this, but I believe I heard the Senator say that some Members have had portraits done and paid for out of campaign accounts. Was I correct in hearing that?

Mr. McCAIN. That, indeed, is the case, I say to my friend from Kentucky.

Mr. McCONNELL. I guess my question of the Senator from Arizona is, are some of the Members of the House or Senate, who have been spending their campaign funds in the ways that the Senator from Arizona has been outlining, advocates of taxpayer funding of elections; supporters of the S. 3?

Mr. McCAIN. I would say to my friend from Kentucky, first of all, I have refrained from mentioning anyone's name.

Mr. McCONNELL. I am not asking for any specific names.

Mr. McCAIN. I do not think it would be fair to do so, because I am sure that many of these reports are defensible and that person should be able to defend those expenditures without having their names specifically mentioned.

But I would say to my friend from Kentucky, as far as I can see, it is not divided along party lines. I would say many Members who are in favor of taxpayer financing, I see in this report, and Members who are opposed to taxpayer financing are on this list as well, as far as I can ascertain.

Mr. McCONNELL. Let me ask the Senator, would it be possible, then, that tax dollars could actually be used after the passage of this legislation?

Mr. McCAIN. I would have to say to my friend from Kentucky, unless there is significant—significant—restrictions placed on the personal expenditure of campaign dollars, I do not see why individuals would not be able to use taxpayers' dollars as well as contributors' dollars. I do not, frankly, see anything, or I hear nothing in the proposed legislation.

Let me put it this way: I hear nothing because, as the Senator from Kentucky knows, we have not been privileged to see the final legislation. But I have been told that there is nothing in the proposed legislation that addresses the personal use of campaign funds. Therefore, if taxpayers' dollars go into the campaign funds and there are no restrictions—the amendment that was passed on this side by the U.S. Senate, which has been dropped out of this agreement—then clearly taxpayers' dollars would be used for these very interesting purposes which I have described.

Mr. McCONNELL. Would the Senator from Kentucky be correct then to conclude that a supporter of the underlying legislation running in this November's election might well have to defend to his constituents, maybe even with an attack from a challenger in a television commercial, that he or she voted for a bill under which it was possible to spend taxpayer funds to have a portrait done of one's self?

Mr. McCAIN. Or a tombstone.

Mr. McCONNELL. Or a tombstone.

I thank my friend from Arizona. He very skillfully outlined many additional reasons why this underlying bill is hopelessly flawed. I really want to thank him for his contribution to this debate.

(Mrs. MURRAY assumed the chair.)

Mr. McCAIN. I thank my friend from Kentucky. And if I understand my friend from Kentucky, we will be talking about this and other issues perhaps to a much larger degree.

But I would like to repeat something that is very important about this situation. A bill is going to be presented to this body which has no input from this side of the aisle. We have only heard the outlines of it. A bill is going to be presented which will fundamentally restructure campaigns in America as we know them today, without the slightest input that I know of from any Republican Member of this body. A bill is being attempted to be forced down our throats, with the help of Common Cause, in the last 2 or 3 weeks of this session of Congress, one that has passed the Senate well over a year ago. I believe my friend from Kentucky knows exactly when, well over a year ago. It has been sitting in limbo all these months and is now going to come back in a fashion which is in violation, in my view, significantly, of the principles that were embodied in the legislation that I voted for and other Members on this side of the aisle voted for.

I say to my friend from Kentucky—and I see my friend from Georgia who is waiting—maybe next year, perhaps next year—there will be more Members on this side of the aisle, all of us know that—maybe next year on issues like health care, campaign finance reform, other pressing issues that the American people want us to address, maybe we might try something different, and that is to sit down with Republicans and Democrats alike and try to work out something.

Now, it is well known that the Senator from Kentucky has been a leader on this issue. Why is it that the Senator from Kentucky was not brought into the process? I do not know the answer.

But I think it is a little much for anyone to attack the Senator from Kentucky for any parliamentary maneuvers that he may employ—legitimate parliamentary maneuvers he may employ—in order to seek to stop the passage of legislation for which he and no Member of this side of the aisle was ever consulted.

So I know that the Senator from Kentucky shares my view that next year we express a willingness to sit down—Republican, Democrat, libertarian, vegetarian, all of us together—all of us together, and seek to come up with a bipartisan consensus.

This railroad has been run too long in a partisan fashion. And I commit, as I know my friend from Kentucky and my friend from Georgia does, that we would be more than happy to sit down from the beginning and come up with what cries out for reform, and that is campaign financing in this country. And we would be eager—not willing, but eager—to do it on a bipartisan basis so, one, we can come up with a better piece of legislation; and, two, we can have the confidence of the American people that this legislation was not rammed through at the 11th hour of the session of the Congress faced with an upcoming election in a very short time.

I thank my friend. I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, let me just thank the Senator from Arizona for his very important contribution to this debate. It was really an extremely effective presentation. I just want to thank him for his contribution.

I see now that my friend from Georgia is here to take his hour.

Madam President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, I thank the Senator from Kentucky for his long, long, extended commitment to appropriate campaign management reform, whatever we want to call it. It has been a very dedicated effort. I think he is recognized nationally by those who follow these discussions as one of the preeminent experts and minds on the intricate issues that deal with the management of campaign law.

I am going to digress from my regular remarks just to comment on the Senator from Arizona's anguish over the fact that something that is this critical and this pertinent could be negotiated and brokered in some unknown place by unknown people doing unknown things. He was admonishing the process and was disconcerted that our side of the aisle was not included in the meetings. Senator McCONNELL from Kentucky was absent. What is even worse, if I might just finish the sentence, what is even worse is the fundamental missing ingredient is the American people were not there either.

Mr. McCONNELL. Will the Senator yield for an observation with regard to what he said?

Mr. COVERDELL. I will certainly yield.

Mr. McCONNELL. If the Senator recalls—I am sure he does—we passed an unfortunate piece of legislation, which both of us opposed, in June 1993 in the Senate; November 1993 in the House. And there has been a conference going on all right, all year long, in every real sense of the word. But it has only been between the Democratic leaders of the House and Democratic leaders of the Senate. That goes on, we believe, up through and to today.

So the Senator from Georgia raises a very important point. Of course they are free to meet. The significance of that, of course, is the game plan is to craft a set of rules for them to advantage them and to disadvantage us. That is what is going on.

Mr. COVERDELL. I think the American people—I brought them into the equation. I think they are somewhat pertinent to all this, although sometimes this city forgets that. If there was anything which they would want to have an eagle eye on, I believe it would be the conduct of elections in a democracy. So I want to take it beyond this Chamber, beyond the meeting rooms in the Capitol, beyond the city—and I think it is not a healthy process.

If I might, I would add I think it is this system which has corrupted the debate on health care reform and many other important issues we have been discussing. As the Senator from Kentucky knows, I served an extended period of time as a citizen legislator in the Georgia General Assembly. And I thought I had seen some pretty rough things. But I have to say I had seen nothing comparable to the process that has occurred here over issues like health care reform and campaign finance reform. It would not be acceptable under the rules that operate in the Georgia General Assembly. In fact, I think many of the things I have seen here we would be before ethics committees, reform and rules committees, and you would be subject to indictment. As overwhelmingly managed by one party as we have been in the State of Georgia, there was more of an effort to embrace and include the leadership of both parties, seeing them as representatives of the varying views among the public, than I have seen here in the hallowed Halls of the Nation's Capitol and here in the U.S. Senate.

Mr. President, I think the debate—and I am nowhere near the expert as is our Senator from Kentucky—but I do have some thoughts I would like to contribute to the discussion. I am going to step back for a moment and talk about what seems to me to be at the heart of almost every confrontation we have had in my limited period here in the 103d Congress. It almost seems that, without fail, these debates come down to two very different and fundamentally separate ideas about how to govern this country. In the Nation's Capital today, there is a camp—frankly, too large a camp in my judgment—of people who believe, and they are true believers. I wish they were not. I wish that they were politicians. I believe they would be easier to deal with. These are true believers. They believe that America cannot be governed, cannot do anything, unless they write

the rules, unless some Washington wonk sets the priorities, determines the relationships. Frankly, I think it embodies an arrogance that has turned America against this Capital.

They do not believe that an employer and employee can figure out their relationship unless every line of that relationship is written here in Washington. They do not even believe that a local mayor or school superintendent or a county commissioner can determine what the priorities are of that local community unless it is written here. The only thing they believe these local policymakers are for is to carry out, to be implementers of what is dictated to them from here. They believe that in this city we have embraced the fulfillment of all knowledge that is vacant and absent in the hinterland, on Main Street America. It has to be done here. This is where we get the right answers. This is how we know how to best run Hahira, GA. We know here better than they know there.

We have been engaged in a 2-year debate on this piece of legislation and a 2-year debate on health care reform. These two that I mention are classic—I mean classic examples of the idea that everything has to be done here, written here, for these unknowing people in America. They cannot figure these things out for themselves. We have to tell them when they can see a doctor, when they cannot see a doctor, what the benefits will be, what they will not be; do it for every company, do it for every family, do it for every individual, do it for every city, do it for every school board. Any group that happens to meet in the middle of the night, we are going to dictate how they are going to manage their health care benefits.

The same principles are embodied in this piece of legislation. I am going to allude to that in a moment as we run through the analysis of the legislation. But here again, we are gathered here in the Capitol, a handful of people, who can figure out how an election ought to be conducted, whether it is in Hahira, GA, or East Dade County, FL, Louisville, KY, or Anchorage, AK.

There is another group of people here, though, fortunately. I think their numbers are going to grow and grow and grow. This group of people feels the forefathers had it right when they invested enormous power in the individual citizen, in the American family, and local community leadership. I think they must have had it in their minds that decisions are best made by people who the next day have to look in the eye those affected. It is awfully easy to make decisions that affect people to whom you will never be held accountable.

So we have these two very, very different thoughts about how to govern the country. I see these two ideas conflicting, having this major confrontation whether it is on campaign finance reform or health care reform or many other subjects. So I want to set that out as a premise. I think that falls right into this arena because, you see, the two ideas take the country in very different places as we approach the new century.

With regard to the management of campaigns—and I have been in a lot of them—the principal overriding theory in my judgment that should govern and guide us in terms of understanding how to manage a campaign is disclosure. That should be the preeminent guide that concerns us. That we have done those things that make it possible for the American citizen to know what the campaign is doing, that should be the underlying premise of what we are doing. That goes back to the forefathers, you know. If the American people are educated and understand and know what is happening, they make good decisions—and they do and have. Believe it or not, they can still do it. They do not need us to tell them how to do everything; they really do not. Every now and then they even do it better than these folks up here.

But they do need to know the data, that is our principal responsibility: Who is contributing, how much are they contributing, and how is it being appropriated?

I know my folks in Georgia can decide whether they like those expenditures or not, or like who made the contributions or not. I am comfortable that they can make that decision better than whoever these folks are who are meeting, wherever they are meeting.

We should not be engaged in micromanaging the way campaigns are conducted, trying to determine every piece that is important or not, whether you are running in a primary in Alaska or general election runoff in Georgia, very decidedly different circumstances.

And absolutely verboten is that we should not be involved in subjugation. That is the most offensive element of this legislation. It was the most offensive element of all these health care proposals: Subjugation; subjugation. That is something right at the root of who we are as Americans. We do not like to be ordered how to do things.

We should not be engaged in the practice of telling people how they are going to do something. I will come back to it in a minute, but the very essence of public funding is an extension of subjugation. You see today in American elections, if an American wants to volunteer to contribute to a candidate, he or she may, they may throughout the whole process. They do not even have to vote. But public financing says, "You're going to contribute. We are going to reappropriate your money and we are going to give it to candidates that you may or may not support, that you may hold in contempt. You will no longer have this fundamental right as an American to participate or not participate. You're going to participate."

We talk about the sum of public financing. It is really not so important what the sum of it is. It is the subjugation that it represents.

I suppose everybody who has been in public office gets a letter from time to time that says, "Hey, I don't want my money spent on foreign aid." "I don't want my money spent over here." There is obviously no way you can manage that. That is always a hard letter to answer. But whether or not to participate in the support or not of a candidate for office is a fundamental right, and it is abrogated by the idea we are going to take your money and we are going to give it to all these candidates. Subjugation. We should not be engaged in subjugation.

We should not be engaged in mandates. We should not be engaged in mandates. This bill is loaded with mandates—mandates on citizens, mandates on candidates, mandates on States, mandates on any form of participation. Mandate, mandate, mandate. My heavens, if I have heard anything in the last 2 years, it has been stop doing that. Stop mandating. Stop ordering. Stop preempting States. Stop preempting my rights. Stop telling my company what to do. Stop mandating.

There must be four dozen bills in this Capitol as expressions of our concern, trying to respond to this electorate, saying you cannot mandate, you cannot mandate a local government. Mandates become part of every debate on this Senate floor. This is a $1 billion mandate, so we exempt it. Or it is a sense-of-the-Senate that we should not do this anymore.

Make the American people aware and they will make a proper decision. We do not have to micromanage this. We ought not to subjugate in the legislation, and we should not be extending the Federal mandates.

I heard part of it but I did not hear all of it so I asked to read, Madam President, the opening statement by the Senator from Massachusetts [Mr. KERRY]. It is interesting. He starts off:

> Pick up any newspaper in America today and you can read about the disrepute of this institution.

"This institution" means in this case, I think, the U.S. Congress, not just the U.S. Senate.

> I think anybody who understands what is happening in America must hear the roar of the oncoming tidal wave of dissatisfaction—

On that point, the Senator from Massachusetts and I are in total agreement. There is a roar, a thundering of dissatisfaction.

> that will hit the Congress if we do not respond to the felt need of citizens of this country to separate their public servants from money.

Mr. President, I suggest that what was causing the roar is our propensity

to separate the money from our own citizens and try to manage it here. Money. Money is always a good question. The statement goes on to say:

Money is polluting the entire trust, whatever is left of it, of the American people for the political process. After all, the first amendment is very clear about the rights of people to express their views.

And, indeed, Madam President, it is. It is absolutely clear about the rights of any citizen to express themselves and their views. It could not be more clear.

But he goes on to say:

But this money should not be inserted directly into campaign after campaign.

Well, now, wait a minute. I did not see an addendum in the Constitution on that. I did not see an asterisk that dropped down and said, "But in the course of electing public servants, you are prohibited from expressing yourself."

Madam President, money is an expression of individual citizens, whether it is a 15-year-old who sends a campaign quarter or an individual business person who sends a Senate candidate $1,000. That is not what has alienated America.

We had a very interesting event that occurred just a couple of days ago. We had a 16-year incumbent in the House of Representatives who spent a quarter of a million dollars that had been donated to him, and he was defeated by a gentleman named Mr. Cooper who spent $19,000. We have a 16-year incumbent, a high profile Member of Congress, spends a quarter of a million dollars—that is a lot of money—and he was defeated by a man who spent $19,000. He is 71 years old, a retired school principal.

In my race, my opponent spent three times what I spent. But I got elected, he did not. Why is it the money—it says here that "* * * this money going into campaigns, and money is polluting the entire process."

The point I am making here, Madam President, is that the American people, given the facts, will know what to do. And you could have 3 times, or in this case 10 times, the money and you cannot thwart the knowledge and intelligence of the American people. They know what they are doing, in most cases. They make mistakes. Do not we all?

Why did not money pollute this process in Oklahoma, or why did it not happen in Georgia? This underlying premise that the American people do not know what they are doing and have to be told what to do is pretty arrogant. They do know what they are doing.

Disclosure. I opened with disclosure. You know, far more important than the money is just the knowledge of what is happening. We have a current event right here in Washington I wish to read. When you do not have disclosure, you have secrecy.

The Clinton administration agreed last week to make—

This is from Tony Snow, a well-known syndicated columnist.

public the full records of Hillary Rodham Clinton's health care task force, files it has tried to conceal for 15 months.

This is the kind of thing that bothers people. It is secrecy. It is lack of disclosure, something being held back from them so that they cannot make their own judgments. It is not campaign contributions. It is if something is being done that they do not know about. They want to know the facts.

The White House said originally that about 500 people participated in the discussion sessions.

This is on another bill a lot like this one. But that was not right. There were 1,000 to 1,200 people there.

The administration claimed that its consultants had been cleared as Government employees which meant that they had filed financial disclosure forms and conflict of interest documents and thus could talk in secret. But at least 357 participants never appeared on Federal payrolls. And only a handful completed the required financial documents.

This is the kind of thing that causes distrust. It is not people openly contributing, declaring what they have done, and filing what has been done. It is not the amount. It is whether something is fully disclosed or not.

I go back to my point. Disclosure is important. Management subjugation and the like, mandates are not.

Madam President, current analysis of this bill, I believe, if every American had a chance to review it, would be a revelation. As you go through it, you see the very thing that has been so upsetting to so many Americans. Let me just give you some examples. This attempts to set limits on spending because, as I said, it goes to the false premise that somehow the system has been polluted by the fact that people have been contributing to it.

Just as an aside, I had 11,000 contributors to my campaign—11,000. I thought they were honorable and honored citizens because everything I ever heard since I was about that high was you were supposed to participate; you were supposed to be active; you were supposed to be engaged; you were supposed to volunteer; you were supposed to work. That is the way I was trained. I was doing my duty. I remember walking up and down an alley as a 7-year-old kid carrying a sign for a political candidate.

This sets limits that would range, it says here—this is on the Senate side. Of course, since we do not have any idea what this secret document is, we do not know whether it is the Senate side or the House side or a third side. But it says as it left the Senate we had an $8.5 million level for a candidate from California which would range downward to $2 million, which would be a minimum for a small State. You do not have to be a rocket scientist. That means that per population in California the candidates could spend a quarter per average citizen but whereas in a small State you could spend $4.

Now, that is logical. That is the kind of thing that happens when you start trying to manage something that is too complicated and too diverse. But it goes on to say——

Mr. McCONNELL. Will the Senator just yield for a quick observation on that point?

Mr. COVERDELL. I certainly will.

Mr. McCONNELL. As a matter of fact, on a per capita basis, campaigns in California are rather inexpensive—on a per capita basis, as the Senator is pointing out.

Mr. COVERDELL. Well, this would put in cement an incongruous conclusion. Now, my guess is, Madam President—the Senator probably knows better than I—the reason they capped it at this $8 million figure was it would look bad. It would not look good, the figure would not look good if they made it the same as in the small States. I guess it would end up being something like $90 million or $60 million. So they could not do that. So they came up with this ratio that is totally illogical.

Mr. McCONNELL. If the Senator will yield, some pointy-headed campaign financial wonk—the Senator referred to a wonk a while ago—up here in Washington just decided what the level ought to be in California even though there are 30 million people to reach there. It is an arbitrary decision about, as the Senator indicated, what sounded like too much, which, of course, is patent nonsense.

Mr. COVERDELL. I am only on the first line. It goes on to say:

Within those parameters, spending levels would be set by the following formula: 30 cents multiplied by the voting age population up to 4 million, and 25 cents multiplied by the voting age over 4 million.

Madam President, if this were not serious, this would be comical. I mean how in the world does one decide on a financial ratio that somehow says if you have over 4 million, you figure in 25 cents but for those under it is 30 cents.

It goes on, though:

In New Jersey or any other State that has no more than 1 VHF television station, the formula would be 80 cents multiplied by the voting age population up to 4 million, 70 cents for each voting age person above that.

That must have come from MIT. I cannot imagine the intricacy that would have been necessary to conclude where you broke 30 cents to 25 cents, to 80 cents to 70 cents, if you are in New Jersey. If you are in New Jersey. I do not know if that means there are going to be more candidates running in New Jersey or not.

But it goes on:

A primary election. The primary spending limit would be 67 percent of the general election limit or no more than $2.75 million. And in States that require a runoff—

I am familiar with that.

where no candidate receives an absolute majority, the limit for the runoff would be 20 percent of the general election limit.

Whoever the wonk was that came up with this has never lived in a State where the primary election is the preeminent election, where you would reverse all these numbers, Madam President, and the substantial investment for the campaign ought to have occurred in the primary because that is where the real contest was going to occur.

Having been a product of a runoff, virtually just under half of our expenditures occurred in the runoff. Why is that? Because that is when the decision was going to be finally made. In the primaries there were five or seven candidates. And in the general election there were three. But in the runoff it was for keeps, and it was two. That is where the money was supposed to be.

According to this, the runoff was the least important. The primary in which I was almost defeated was the second least important. And the general election was the most important. How does anybody here know that? How in the world could anybody, any policymaker in this city, have determined that? We were right there.

We had three candidates that ended up in the primary that we had never known before. One of them got 25 percent of the vote. That was a big problem for us. Then a Libertarian got in who no one thought would get in. And to my predecessor's surprise, that meant there was going to be a runoff. I am sure it surprised him, too. Then we were in the real contest. I mean the big one. But according to this, it would be the little one.

Independent expenditures. I am still trying to figure out under current law how these operate. But this says that if an eligible candidate faced an adversarial independent campaign that spent $10,000 or more, his or her spending limit would rise dollar for dollar. I guess what they are trying to say here—I might have a question, if the Senator will yield, in just a moment—they are saying the limit, say, was $1 million and $1 million, and if somebody over here comes in from the side expressing themselves, as they have a right to do, then the campaign limit would change in order to allow the candidate room to respond to that.

Mr. McCONNELL. Not only the legislature, I say to my friend from Georgia, but the taxpayers would supply the money to the candidate to reply to the independent expenditure. The dilemma, of course, is determining whether the independent expenditure is for or against you. Let us assume that somebody came in as an independent expenditure and said, "We are here to thank Senator so and so for voting to increase taxes 10 times because it was in the best interest of the people of the State of Georgia." Is that an expenditure for or against that candidate? Somebody in Washington will have to decide who gets the dough to reply to this citizen's independent expression. Was it for or against the candidate? Somebody in Washington will have to determine.

Mr. COVERDELL. If the Senator will yield for a question, let us say a group of farmers in the southern part of my State suddenly got interested in something that a candidate was saying, and they decided they were going to run an ad. They were upset about it. In this case, it would probably be pretty clear whether it was for or against.

I agree with the Senator. Anything can happen in our country, and it will. And I cannot even imagine the process of deciding whether it was for or against with both candidates arguing both pro and con. But in this case it is clear. Are these farmers supposed to know that, if they participate in a campaign by running this ad, they have to get approval from Washington, that they have to file papers and bureaucratic apparatus in order to do what every American has been doing for the last 200 years?

Mr. McCONNELL. I say to my friend from Georgia, he is absolutely right. Under this bill they would have to, in effect, file a notification up here in advance, the net effect of which would be to ask the Government for permission to express themselves. After they expressed themselves, of course, they would be triggering tax dollars, certainly against their desire, for the candidate whom they spoke out against.

Mr. COVERDELL. Will the Senator yield? Let me see if the Senator from Kentucky will not agree. We are seeing this. I cannot tell the number of business people I meet that feel they are in an adversarial relationship with the Government. They cannot even keep up. There is no way for them to know. There is no way to know rules and regulations that we have been thrashing out of this city. The expectation that millions of Americans could understand that, to be a participant, they have suddenly fallen into this web of management and subjugation is almost beyond comprehension. Has the Senator from Kentucky seen in his discussions any proposed plan to give forewarning to the citizens of this country and the millions it would take to do that?

Mr. McCONNELL. I say, in response to the question, that I do not know how it could be possible to inform citizens that their free expression now can be exercised only after permission from Washington, and I think they would be astonished to know that the Government is going to subsidize the opponent of their views. The good news that I could give the Senator from Georgia is that this is blatantly unconstitutional.

Mr. COVERDELL. I have been trying to make the point.

Mr. McCONNELL. I have been listening very carefully to the Senator's speech, and I believe his principal point here is the arrogance of bureaucracy, the view that we know best.

Mr. COVERDELL. Absolutely.

Mr. McCONNELL. "Now, you people get out there and shut up, or if you insist on speaking, we are going to subsidize the person you are against." The arrogance of that is the point I believe the Senator from Georgia has been raising. I commend him for it. It is a truly outrageous and mercilessly unconstitutional proposal.

Mr. COVERDELL. It is the ultimate leading astray.

But there is a paragraph right behind this that I think is a clue to the thinking here.

Legal and accounting guidance. Spending for legal and accounting services to comply with Federal campaign laws would be exempt from Federal limits. In other words, there is already, even by the framers of this document, an understanding that you are going to have to have lawyers and accountants to defend you, to defend the citizen who is expressing himself, to unravel the reams of regulations that follow this that are already in existence. This is going to lead to an interesting premise because it is not going to be long before American business is up here saying that legal and accounting expenditures should be tax-exempt because they are fundamentally being forced upon them by the Federal Government. The acknowledgment is right here in black and white. You are going to have a whole lot of legal fees, and you are going to have a whole lot of accounting fees to unravel what we are doing to you.

This is interesting in the analysis. This is an interesting one, personal funds.

Personal funds. A complying candidate—that means a candidate who has been subjugated into this. Talk about if you want to be a noncomplying candidate, you are in for a real shock. But a complying candidate could contribute or lend his or her campaign no more than $25,000; contribute or lend no more than $25,000 during an election cycle. Contributions from family members would count against the limit, and candidates would be prohibited from raising money to pay off a personal loan after the election.

Madam President, I do not want to make a list, but there are a whole lot of people here that would not be here if there had been a curtailment of freedom of expression on an individual's decision on their own and their family to pursue public office.

Talk about a constitutional violation in terms of freedom of expression. We are now going to tell the individual—we are going to make up their minds for them on what they can and cannot contribute to their own campaign, the underlying premise here being—it is a pretty onerous thing here, because it suggests that somebody who has some means is probably evil in the first place, and they should be denied the ability to use their resources to express themselves as a candidate for public office.

I am reminded that years ago there was a dispute over zoning of an area in our State around a view of a river. All of the people that already lived there did not want anybody else to live there. So they wanted to zone it out so the only people that could live there were the ones who were already there. Here we go. A group of people here—dozens—who have contributed this or more, are now telling future candidates you cannot do that. We are going to change the rules. Lobbyists—we all know that is an evil word—would be prohibited—and who is a lobbyist? That gets into a long convoluted expression. A lobbyist would be prohibited from making contributions to or soliciting them from a candidate for a 1-year period from the date of contact with the Federal office holder.

Oh, my heavens, can you imagine trying to determine what that means? Does that mean they were on the same bus? Does it mean they had a discussion about a pertinent issue that affected their State or business? You could not contribute to that candidate if there had been contact with the candidate for the last year, or with an official, or staff assistant. You would now have to know of every contact that had been made almost between everybody, every person, and your staff—formal, professional, or social. We are going to have to have an army to police this.

Here is the important line, Madam President: "Contributors would be prohibited from lobbying the recipient of their contributions for 1 year after making the contribution." Contributors would be prohibited from lobbying the recipient of their contribution for 1 year after making the contribution.

So that means that a citizen who has contributed to the process—which we have all asked them to do—is then disenfranchised as a citizen for a year. They are no longer a citizen and they no longer have access. They are a citizen from Georgia, they are registered to vote and are told to participate in the campaign. They see good Government posters from the front to back of the State—public service announcements—that you need to participate and be engaged and contribute; but if you do, you are disenfranchised. You may no longer talk to that person for a year.

This is utter nonsense. It is reprehensible to disenfranchise somebody for participating, after we have fought and fought to cause them to be participants, trained them from the day they went into the first grade that it was their duty and honor to do so. But if you do, you have somehow become a vilified person.

We have made all these people who participate something less than good, and they ought not to be contacting their Government. I have never heard of such logic. I will read it one more time: "Contributors would be prohibited from lobbying"—now lobbying has become a vilified word, but it means discussing a matte—"the recipient of the contribution for a year * * *."

We have lost our bearings. A moment ago I was talking about the complying candidate and I said there is a real shocker if you are not a complying candidate. "Campaigns that do not agree to comply with spending limits and other Federal mandates"—mandates, subjugation—"will be required to pay the highest Federal corporate tax on all receipts."

Now the campaign poster will have bandit belts and bullets in the machine gun: You will comply, or else.

Does the Senator have a question? I would be pleased to yield.

Mr. McCONNELL. Yes, I have a question. Would the Senator not agree with the Senator from Kentucky that that is a tax on excess speech? If you speak too much, you have to pay the Government for permission, in effect, to speak too much, because spending is speech in this case. If you speak too much, you have to pay the Government—does the Senator agree—to speak beyond the Government-prescribed amount of speech?

Mr. COVERDELL. That is absolutely correct. Then they will take the money you paid them and use it against you. Mr. President, broadcast discounts. Television broadcasters will be required—not can, they are required, and we are back to the machine gun here—to sell advertising time to eligible candidates at 50 percent of the lowest rate for comparable time.

Madam President, this is unbelievable. Broadcasters will sell time to these candidates at half the rate for comparable time. Where are the printers? If I print the campaign brochures, should we not order them to do it for me for half price? What about the newspaper ads? Should they not be half price? What about the campaign buttons? The bumper stickers? The phone company? I do not know if any of you have been in one of these large Senate campaigns, but those phone bills are really big. There are hundreds of phones, and that is lots and lots of money. I think telephone companies should cut those rates in half. But, no, just the broadcasters. We can only think of this here. That is the thing we seem to see the most. So let us go after them. The broadcasters will sell it for half price, and we will ignore newspapers, printers, or any other vehicle of campaigns.

I talked about mandates and subjugation. This is both. They are mandating free enterprise to participate in the process whether they choose to or not. They are mandating the price at which it will be sold. And they are subjugating these institutions and the people they represent and their employees to a form whether they choose to participate or not.

This particular section goes against everything we know to be correct and right for our country. We do not order businesses what to do or when to do it or how to do it. We do not tell them what the prices ought to be. This is illogical.

In first grade, students would know this is not right if this were explained to them, that you could not pick one business out and leave the others alone. You pick broadcasters out but do not bother newspapers. You pick broadcasters out but not printers or telephone companies. Or what about the rent of the headquarters that you have across the State? Should you not get that at half price?

This is insanity and totally illogical, totally illogical.

Prohibitions read like something that ought to have been in the crime bill, Madam President. Prohibitions: The measure would specifically prohibit independent expenditures by the following—we have been talking a lot about constitutional protections and freedom of expressions. This measure would specifically prohibit an independent expenditure. That means an expression, a statement by an individual or group that made a contribution to a candidate for the same office.

In other words, if you had contributed to a candidate, if you had been part of the process, going back to what we have been trained to do, you forfeit outright, forfeit your constitutional right to express yourself if you chose to do so. It is gone. You are prohibited from doing that.

I do not believe this would stand up under constitutional law if this were ever to become law. Hopefully, it will not.

But what boggles my mind is that anybody in this Capital City would even write such language that would punish someone for having contributed, and because they contributed, you would deny them the constitutional right to express themselves. I cannot believe that language like that would be written into this Capitol.

You also lose your constitutional right to express yourself if you advised a candidate. I assume that would just include discussing or talking. I do not know what the definition of advise is, or how many bureaucrats or agents we have to have to determine what it is or how many court cases. That goes back

to exempting lawyers and accountants. But if you advised a candidate or an agent of the candidate, what is that? Is that the family of the candidate? Is that Sunday church? Is that a staff member?

They met each other at a restaurant, sat down and had dinner, and talked about the campaign. They are an agent. They talked about the campaign. There goes your constitutional right; not his, but mine.

You then could not participate as an independent expression in that campaign.

You know, we have seen a number of charts about the health care bureaucracy. I believe when someone finally does a chart of a management of advice and consent, as embraced in this bill, they are going to have to outdo Senator SPECTER's charts.

I cannot imagine the process by which we would manage all these conversations. You know, in a campaign, in the heat of it, you are constantly in the presence of people advising you. In fact, one of the big tasks is to decide whose advice to take or whose to reject, because everybody knows how you ought to be doing it. Sorting it out is a major task.

You would have to carry a sign on your chest that says: Do not talk to me; you will lose your constitutional right.

Reporting requirements: Independent campaigns would be required to notify Federal and State officials within 48 hours of obligating to make expenditures aggregating more than $1,000 within 24 hours in the final 20 days.

Now, get this: First of all, you have to remember whether or not you had a conversation with the candidate, because if you did, you could not do this. But if you did not have a conversation with the candidate and you did do this, you would have to know that you have 48 hours to notify both State and Federal employees if it was over $1,000 and that occurred within 24 hours in the last 20 days of the campaign.

This is exactly what has caused revulsion across our land. We have done this to business. We have done this to counties. We have done it to cities. And now we are doing it to the election process.

You know what the bottom line is: People are going to say they cannot do anything in a campaign. They are going to be frightened by all this. They are going to say they cannot understand this. They could get in trouble just for participating, just for expressing themselves.

You will see some average citizens, before they get a campaign call, have to go talk to their lawyer to find out whether they can answer their phone.

Broadcasters—now this is an interesting one. An independent campaigner who has not talked to a candidate—or you could not be an independent campaigner—would have to notify a broadcaster of an intent to purchase advertising time. The station in turn would have to inform the other candidate, who would be permitted to purchase time to respond immediately afterwards.

So now the broadcaster is a referee. Not only does he have to sell the advertising for half what he thinks it is worth, but he has to have a monitoring device to find out whether he got a call from an independent candidate to assure the other candidate that he had the call to make sure that the other candidate could respond. This is a nightmare.

These are independent businesses; these are not extensions of Federal bureaucrats. These people, believe it or not, do not work for the Federal Government. They do not work for the Federal Government. They do not want to be referees of our campaigns, and ought not to be. The campaign has to determine what is happening out there.

The PRESIDING OFFICER (Ms. MIKULSKI). The time of the Senator from Georgia has expired.

The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I want to commend the Senator.

Mr. COVERDELL. I thank the Senator for the opportunity.

Mr. MCCONNELL. I commend the Senator from Georgia for bringing a whole new perspective to this debate. It has been interesting today and instructive.

I doubt many colleagues on the other side of the aisle paid any attention. It would be instructive to them to have heard a number of speeches, particularly I think the speech of the Senator from Georgia outlining the obligation we are placing on the broadcasting industry to, in a sense, referee what is going on out there, in addition to helping pay for it by providing a deep discount, whether or not they are losing money. The station might well be losing money.

So I commend the Senator from Georgia for his speech. It was really outstanding, and I thank him again for his contribution.

Madam President, I see that the Senator from Montana is here, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Thank you, Madam President.

I appreciate the leadership and also the mentioning by our friend from Georgia about the radio and television broadcasters with regard to this issue. I come out of that business and it is tough enough making a living without the Government coming out and telling you what you can charge, the rates, or that you have to do certain things with regard to political campaigns.

Madam President, I welcome the opportunity to speak today on this issue of campaign finance reform. It seems like when we wind up in campaigns, everything is brought to light.

The last couple of months have been revealing to Americans, giving them a closeup look of how legislation is handled here. I think we tend to underestimate the American people when they start looking at the activity of Congress and how we handle legislation here. What they are seeing on C-SPAN today is very educational to America, and there are a lot more viewers of that than we tend to think there are. They have seen how Congress takes up 1,000-page bills that few have seen until they have been plopped on their desk and they say, "OK, we are going to start working on this legislation right now." One that comes to mind is the health care bill.

We have been through weekend marathon conferences trying to produce huge multibillion-dollar bills that Members then vote on with little or no time to consider what they are doing.

These last several weeks have driven home the saying that one really does not know how sausages or laws are made. Sometimes we are victims. Maybe we are standing too close to the sausage machine, because it has been said making laws is just like making sausage. Maybe the process is not too pretty, but the result sometimes is very good.

The health care bill that was forced upon the Senate this last August is a perfect example of how the system works. The bill that would have cost American taxpayers hundreds of billions of dollars, increased an already bloated bureaucracy, and let the Government choose your doctor, was thrown on my desk only after the Senate began debating it. I have been part of that task force for almost 3 years, studying this very issue of health care reform. It is not a very good way to do business, and one in which Congress has too often operated, in fact.

We have been challenged by those big bills from time to time. They say, "OK, we are going to vote right now." And, basically, that is what we do here.

The crime bill is another example of how we take responsible legislation and turn it into a Christmas tree adorned with ornaments, filled with huge sums of pork, a few goodies so we can get a few votes up and down the line.

I voted for the crime bill in the Senate, but opposed the conference report after the House conference added a little more, and we thought Christmas had come early. So, after all those provisions in the crime bill that we would have liked were stripped from the bill, it just made it so that it was impossible to support when the country really needed to address this business of crime.

Now, with little time left, Congress is taking up a bill that would have a dramatic impact on this country—more

than you might guess—campaign finance.

Let me say from the beginning, Madam President, that this Senator wants to fix the system, but not on the backs of the taxpayer. For the nearly 6 years I have been in the Senate, I have been guided by a couple of principles. One, I have worked hard to fight against more repressive big Government, with its rules and regulations that stifle hard-working small businesses to provide jobs and economic opportunities for this country, because 98 percent of the businesses in this country are small businesses wanting to grow. And, two, I have worked very hard against Government spending and have opposed any and all tax increases because I think we are overly taxed—we just spend too much money—not because the people pay too little taxes, but because the Government really does spend it on some different things or different things as far as my priority list is concerned.

Madam President, the process has been flawed and the bills upon which the conference report has been modeled on are themselves flawed with shortcomings. The major components of this particular piece of legislation—spending limits and taxpayer financing—are flawed ideas with a proven record of failure in the Presidential system and, yes, even on the State level. Spending limits limit neither the total of spending nor the special interests. They do not take those folks out of the political arena.

I would like to quote a study by the Rockefeller Institute of Government.

> In every Presidential election since public funding, spending has gone up—with more and more of the money going off the books and underground. Off-the-book activities have become more prominent in every election since 1976. More importantly, all of these devices favor the well organized and the more powerful over smaller participants. What the limit seem to be doing, in other words, is encouraging the powerful to engage in subterfuge and legal gamesmanship. It is giving them an incentive to increase their influence in ways that are poorly disclosed. As a cure for cynicism or corruption, this really seems bizarre.

Those are not my words. Those are from the Rockefeller Institute of Government.

Madam President, majority party leaders in the Senate and House have been conferencing the campaign finance bills amongst themselves for the last 10 months. Most of the time, according to the reports, they were deadlocked among themselves. Over what? PAC limits; political action committee limits.

Evidently, after all its intraparty squabbling over PAC's, taxpayer financing, and the rest, majority party leaders have come to or are nearing an agreement, and now are ready to have a formal conference to ratify this fantastic product. There is no other explanation for waiting until the Congress is on the cusp of adjournment to appoint the conferees.

If the majority seriously wanted a bipartisan conference report, conferees would have been appointed months ago. These tactics are particularly unfortunate because they reinforce the perception that this campaign finance effort is not really about reform, but is, in fact, a partisan maneuver to rig the election laws to the majority party's advantage.

Not only that, but they want to go home after Congress adjourns and tell the American people how they have tried to reform the corrupt campaign system and take care of those big, bad special interests in Washington, but the Republicans would not let them. They are running scared, Madam President, because they know they know that to try and mitigate the losses they will occur this November, they have to go home with something that sounds good in a 30-second sound bite. They will try to tell the American people that the Republicans do not want to reform the system, they are beholden to special interest money, and they want politics as usual.

This may come as a shock to a lot of Americans, but if you have gone through these political campaigns before, you define special interests as those folks who support my opponent. It is on both sides.

Well, nothing could be further from the truth, as far as not wanting some reform. I, along with the rest of my colleagues, want to reform the system. But I will not do it at the expense of the taxpayers, the people who pull the wagon in my State of Montana. Montana money is better spent in Montana and not in Washington. I know my constituents do not want to see their hard-earned tax dollars going to elect folks that they know nothing about, or they are adamantly opposed to.

Bill Clinton went coast to coast in 1992 promising to "change welfare as we know it." Little did voters know that 2 years later that would mean expanding welfare to politicians through a brandnew entitlement program.

The Senate passed campaign finance bill, which I voted against, established taxpayer financial welfare for our political campaigns.

Both the House and Senate bills outline a set of conditions that, if met, would result in a host of goodies pouring in to a candidate. Let me name just a few: Communications vouchers—50 percent broadcast discount rates; mail discounts; matching funds to counteract independent expenditures; matching funds to counteract opponents who spend over the voluntary spending limit. After a nonparticipating candidate spends one penny over the imposed limit, their opponent would receive grants equal to one-third of the general election limit. If the nonparticipating candidate spent one cent over 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 if the nonparticipating candidate had spent twice the supposedly voluntary limit.

When you go through that in this piece of legislation—and the manager of this bill knows full well that it takes quite an attorney just to dig all this information out. Because if there was ever a bill where there is a lot of subterfuge, it is in this piece of legislation. It is very hard to understand.

This bill could be called The Field Of Dreams For Attorneys, when the campaign is all over, and we can see the flood of lawsuits that would come in with regard to that.

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. BURNS. I will yield for a question.

Mr. MCCONNELL. The Senator was pointing out the new kinds of litigation created by this bill. It is almost reminiscent of the health care bill. I believe in the Clinton bill—correct me if I am wrong—were there not 16 causes of action in that bill, 16 new reasons to sue?

Mr. BURNS. That is correct. Also, I would say to my friend from Kentucky that under the penal code, the fines and forfeitures in that bill, if they were not dealt with by the patient or the provider, extends that much further as far as the legal exposure that one might have.

Mr. MCCONNELL. Does it not seem to my friend from Montana that everything we are trying to do these days creates tons of new lawsuits so we can all go out and sue each other over every conceivable issue?

Mr. BURNS. I would remind my colleagues the law schools around the country are turning out a lot of folks right now. They have to find work. I, not being one—which I think at times is a disadvantage but most times it is an advantage—nonetheless, I think we are creating one of those fields of dreams here for that profession.

It is going to cost a lot of money. The American taxpayers will again have to foot the bill with regard to this piece of legislation. And, of course, with the program that Congress passes, the cost varies according to those who estimate it, and who do you believe when you are told about it? There are certainly a number of variables that need to be taken into consideration when trying to determine the cost. It is unclear because it depends on how many candidates there are and how many would choose to participate in the new entitlement program.

There are countless scenarios, when you look at it, all of which would change the price tag. Just think about

a third party. For instance, look at what occurred at the Presidential level since 1966. Lyndon La Rouche has collected 2 million tax dollars as a Presidential candidate in elections since 1976. I just recently read that the Federal Election Commission, the FEC, has certified $568,435 in matching funds for the 1992 campaign Mr. LaRouche ran from prison. How about that? Surprised?

I have a great idea how to solve the problem of recurring crime in this country. Teach all the prisoners how to run for elected office as third-party candidates so they can qualify for matching funds. When they get out, they can collect their money, take a nice long vacation, take a little trip in the sun at the expense of the taxpayers of this country.

In congressional races, qualifying for taxpayer matching funds would be even easier, as support would need to be demonstrated in only a single State or district, rather than in 20 States as is required under the Presidential system. Does anyone doubt there will be an increase in third party or independent candidates, running with the aid of new taxpayer-funded entitlement programs? I do not think there is any question. I do not think that is even a fair question. The cost can and would be potentially astronomical.

It is difficult to predict how many candidates will be running for office in 1996 and in years to come. In 1992 there were 1,200 more congressional candidates running than there were in 1990, a tremendous increase that no one expected. If this trend continues, and it appears it might, many of these candidates would accept matching funds. I wonder how many of them would? How many independent or third party candidates would jump in because of the availability of tax dollars to fund campaigns?

All these are questions that have to be answered before you can go back home and look your constituents in the eye. When they say, "What have you done for me lately?" you can say I have developed another entitlement program for politicians.

The taxpayers are starting to catch on to the abuses and inadequacy of a taxpayer-funded Presidential system. That is why over the past two decades the vast majority of the American people chose not to say yes on their Federal tax return forms to designate $1 from taxes they already owe to go to the Presidential election campaign fund. I object to using tax dollars for campaigns, period. There is over $4.5 trillion in debt looming over this country, debt that our children will no doubt participate in paying off if they get the opportunity. It is unconscionable that Congress is seriously considering an entitlement program for politicians, spending hundreds of millions of dollars to prop up a loophole-laden spending limit system that would stifle political debate and competition.

If you do not think that can happen, I think it was 2 years ago—I have forgotten on what piece of legislation—but we know only 19 percent of the people in this country check off the dollar to go to the Presidential campaign pool. Only 19 percent. If this was such a good deal——

Mr. McCONNELL. Will the Senator yield?

Mr. BURNS. I will.

Mr. McCONNELL. It used to be 29. It is dropping steadily as people conclude they do not want to divert $1 of taxes they already owe to the Presidential campaign fund.

Mr. BURNS. The Senator makes a good point. But I think this continues to go down. In my State of Montana it is lower than that, it is under 15 percent. So I can already see what folks in my State think of the checkoff.

But I think there was some legislation—I have forgotten. I have a fantastic memory; it is just short. But a piece of legislation came through that would allow the FEC to borrow money —or at least owe against future collections—in order to shore up the Presidential pool. That sounds like deficit spending to me.

We see how it works in Government. I doubt it will work any better with the FEC, because I find those folks who are caretakers of somebody else's money are a little more careless than they would be if it was their own.

I can remember how brazen that was. I thought it was just absolutely an act of arrogance, and to think the American people would not complain about this and, of course, would never know anything about it.

Well, anyway, it did not happen. I think it would have been unconscionable if this body, if this U.S. Senate, had adopted it.

Last summer, just about every kind of tax one could imagine was floated by the President of the United States in his budget proposal—Btu tax, gas tax, value-added tax, national sales tax, Social Security benefits tax, higher inheritance tax, higher corporate tax, and even a health benefits tax. I do not know how many there are, but one of these days, they will come up with a new one.

Mr. BROWN. Will the distinguished Senator yield for a question?

Mr. BURNS. I will yield to my friend from Colorado for a question.

Mr. BROWN. I appreciate the Senator yielding some of his time for a question.

I just find myself amazed at the fact that this bill was passed, I believe, 10 months ago. In those 10 months—actually it is 15 months ago, I guess, by the Senate, that they have acted. Now, at the 11th hour of this session, it has been dragged out by months of periods when we have had no business on Mondays and Fridays, where we have not worked weekends, and it is brought forth by the leadership.

I wonder if my distinguished colleague thinks that after all these delays that it makes sense to bring this up at the 11th hour for the purpose of having the poor taxpayers subsidize the reelection of this Congress.

Mr. BURNS. I will tell my friend from Colorado that we know how much is in the hopper for legislation of every description, right? And that big hopper is like a funnel. Now it has to go through this last 2 weeks, which is the little end of the funnel. Every time we get into that—I sort of refer to it as the trading season. Under the passion of trying to get out of here, especially in an election year, it has a tendency to rush people to make sometimes a judgment that they would not ordinarily make under calmer conditions.

Mr. BROWN. That may be the reason for it. I just find myself amazed that we would be spending our time on this issue which the American people do not support; that is, subsidizing politicians and their campaigns, and we would not be debating the real issues of the day. I myself had an amendment with regard to Haiti that I wanted to offer. There apparently was no time to be allowed to offer that. I found, for example, this afternoon, that the Pentagon confirmed to my office that they had only issued 15 bullets to the service men and women from Fort Bragg that are stationed now in Haiti that are in harm's way, that are in a potential combat zone, they have only given each man and woman 15 rounds for their guns, some one-twelfth what the normal issue is. I find it incredible that at a point we have denied our military personnel the ability to defend themselves properly, that we would spend our time debating more subsidies to politicians.

Mr. BURNS. I think I would rather spend my time, Madam President, buying ammo for the protection of our fighting men and women in harm's way, rather than subsidizing campaigns.

There is no doubt about it—and given the choices, the American people—given the options and given the choices that they might have in this piece of legislation—will reject this. I think it is arrogance on our part to think they will not.

At no point in our Nation's history have we seen the level of zeal and creativity which this administration has dedicated itself to the question of taxing anything that breathes, moves or, yes, is even nailed down. Then the Senate put forth the ultimate tax, quite literally taxing the sound that came out of a campaign that resulted in spending over the campaign or spending over a campaign spending limit.

Under the speech tax, a campaign would have two choices: Be bound by

voluntary spending limits or be taxed at the corporate rate, currently 35 percent, by the way, and everything takes on an all new meaning.

As always is the case, people will be asking how can you reform the system without placing additional burdens on the taxpayer. Last summer, I had an opportunity to vote on a number of provisions relating to campaign finance reform. Let me go over those, what we voted for.

I voted for amendments to the bill cutting the maximum amount of personal funds to a tenth of the previous limit. What did that do? That kept very wealthy people from buying a seat in the U.S. Senate or the House of Representatives. I supported applying the provisions of the bill to the upcoming election, which I myself am in right now, instead of the 1996 election. I supported the requirement that candidates who receive subsidies would undergo thorough audits.

I also supported capping out-of-State contributions tightly and limit taxpayer finance subsidies to $1 million, both of which were defeated. They were not defeated on this side of the aisle.

I am in a campaign now where I am sort of proud that I am setting all kinds of records with individual people in the State of Montana giving to my campaign. There are just a little over 800,000 people in the State of Montana; 9,000 of them have chosen to write a check to this campaign. There are only 475,000 voters. So it does not take a rocket scientist to figure out people will, individuals will, if limited or not limited.

I am one who says full disclosure does more to tell your constituents who you are than anything else. I mentioned earlier the Presidential system. Since 1976, there has been an increase in the amount of money spent that is off the books and goes underground. There, again, I am going by memory. I do not know when this system was reformed and the establishment of political action committees and the limits they were given, but it called for full disclosure. I think that kept some of this money in brown paper bags just coming over the transom. It was to stop that.

People wanted to know who was supporting our candidates. If you limit the amount the candidate can spend, let us say a total of a million dollars for a campaign, that independent expenditures would prove to be an even more attractive means for well-organized special interest organizations to elect the candidates of their choice. In fact, one interest could come into a State like Montana and almost buy themselves a seat.

Instead of letting individuals decide who is best to represent the spending limits, it would allow those groups we are trying to curtail to become really a predominant player in the election system.

That is right, under the majority party, spending limits gain while private citizens seeking to support candidates of their choice would be squeezed out of the process. And candidates would be constrained to spending limits. Labor unions and other special interests would be able to spend an unlimited amount to influence the outcome of elections.

It is sort of funny. I spent several years refereeing football. This time of the year I miss it. I often thought that some folks would challenge anybody for voluntary spending limits, for voluntarily raising money, without consideration that upon that agreement we would be operating out of two different kinds of rule books. I got to thinking about that. It would be just like the reason that 4 or 5 old fat guys wearing striped shirts can go on the field of play in football among 22 of the most hostile, mobile, heavily armored combatants and have very few problems in keeping civility on the field because of a rule book, and the rules are the same in every State—every State. That is why I can go to Wyoming or Idaho or Utah or Colorado and work that great sport and have very few problems, because they are the same everywhere.

So when we talk about just a State having a rule, maybe the outside influences do not play by those rules because they are not governed by those rules, and I think that is just as important for the challenger as it is for the incumbent to understand. That is, if you are going to do a good job in representing your constituency. Their activities would be the key to the success or failure of a particular candidate. They must be based on his personal character and how he represents his constituency rather than trying to explain what he had done as far as the FEC is concerned.

Furthermore, if the NAACP spent money to oppose David Duke in a campaign for Congress, the former Klansman could qualify under this bill for unlimited tax dollars to respond. Certainly better judgment could be used in other places.

Spending limits not only force campaign funds into independent expenditures and undisclosed and unregulated soft money—and we have heard that referred to sometimes as sewer money—they also impair the ability of challengers to successfully compete against incumbents. Proponents of spending limits cite statistics showing that incumbents usually outspend challengers. No argument there. That is a critical point. Thorough studies of election results and campaign spending over the last several cycles reveal that it is not necessary for challengers to spend more than or even as much as an incumbent in order to win.

The crucial point is that a challenger be able to spend enough to get his or her messages out and convince enough voters that it is time for a change. The amount a successful challenger must be able to spend is frequently more than the spending limits than the House or the Senate bills right now allow.

In 1992, the FEC-reported spending in congressional races was at $678 million. That comes out to about $3.63 per eligible voter across the country. That was a 52-percent increase in spending over 1990. That spending increase corresponded with a 68-percent increase in the number of candidates, just more people on the slate and in the field. There were 1,759 candidates for Congress in 1990 compared to 2,956 candidates in 1992. So some of these figures are kind of skewed because if you figure the cost per voter it was about the same.

So 1992 was an extraordinarily competitive year in politics— a cause and effect of increased campaign spending, a Presidential year. As any incumbent will tell you, 1994 is shaping up to be just as competitive this time around as any time in our recent history.

Most people would say that increased competition was a good thing. Understandably, many incumbents and the ruling majority may construe the same phenomenon as a bad thing especially when you talk about legislation such as we are looking at here in the Chamber.

So the campaign reform debate has focused on campaign spending. As has been stated, however, spending is not the problem. The fact is we spend far more on advertising yogurt in this country than on elections, yet there is a notion perpetuated that we are spending too much.

Funny, I am not a great fan of yogurt. Obviously, I am not a great fan of yogurt.

Implicit in the position is the assumption that spending is somehow corrupt, so we have for some years now seen a misguided drive for campaign spending limits.

Congressional campaign spending skyrocketed in 1992. So did voter turnout and congressional turnover. No other time in the history since I have been here, not since 1988 have we seen the turnover in the House of Representatives that we have seen in the last three cycles. So one would say maybe a factor that most people observe is that increased spending maybe brought out more voters and more turnover was made possible.

There are a couple of reasons for the opposition to spending limits. They limit free speech and they limit political participation and competition. Competition, that is what this country is based on, the free enterprise system. Should not, when a man or woman decides to run for political office, they be afforded the same rules? Because after all, it is probably not the person but it

is the idea, the philosophy that folks are looking at that would best represent themselves and their views in their main halls of government, whether it be at the local level, State level, or Federal. I say it is pretty important at the local level, and if there is anybody in this body who understands the impact of local government it is my good friend from Kentucky, who is a product of local government. He understands unfunded mandates as well as anybody. And if there was one driving force why I got involved in national political office, it was because I was saying I was a county commissioner first.

We can stand on this floor of the Senate, television beaming down on us, everybody at home looking at you, but what we do here, we do not participate in the delivery of the services or what we do in legislation. Counties do. That is where the rubber hits the road. They administer the welfare. They build the roads. They provide the infrastructure of sewer and water and electricity. And yet we pass some silly laws we send down there that say you have to do it this way, and we do not send a check with it, knowing it costs a lot of money.

In my State of Montana, in 1986, we had a little initiative on the ballot called I.105. It prevented local government from increasing the mill levy or increasing taxes in order to cover the spending of local government. Of course, schools were affected by that. Schools grow. More kids come. The infrastructure of education is still controlled by the school board. Yet we could not levy more taxes so something had to give.

So what happens? You lay off people through attrition. You do a lot of imaginative things. There is one thing that you do not do. You do not go into your reserves. County government understands reserves because we only collect taxes—I do not know how it is in Kentucky. I would have to ask my friend from Kentucky. He probably only collected property taxes twice a year in order to carry through. Well, we collected it in Montana twice a year, and you had to have a reserve to get you from one to the other. You could only maintain a 30-percent reserve in each line item or each department. We did that in Yellowstone County, MT—I am proud of that—even under the conditions of I.105. But nonetheless, that is just as important there because in local government it is not so much a thing of philosophy. It is can you manage a fiscal budget of which you are the budgeteer and you are also the appropriator and you also sign the checks.

That is not a bad position. Given some thought, maybe we ought to go back to it. I do not know whether we can do that here or not. But when you talk about spending limits, particularly in this area that has the trappings of something a little undemocratic about it, involuntary or coerced spending limits are also unconstitutional because they are a de facto limit on free speech.

The big roadblock in limiting campaign spending is the first amendment which protects political speech. And the Supreme Court has determined that campaign spending, which is primarily for the purpose of communication, is analogous to speech.

The other roadblock in limiting spending is a reality that all Americans have a vested interest in the electoral process. There is nothing wrong with private citizens supporting candidates by contributing their hard earned dollars in accordance with the law in publicly disclosed and limited amounts.

What happens, Madam President, is that if we limit those things, those amounts, very imaginative and innovative folks will find ways to contribute to their candidate one way or the other ground or underground. This Senator prefers above ground and full disclosure. I think just about everybody else does too.

So a precise cost forecast is impossible because, first, there is no final bill; second, the variables—third party independent candidates, independent expenditures, and excessive spending counterbalancing—are unpredictable.

The Congressional Budget Office has estimated that it would cost $189 million in 1996 alone if both the House and Senate bills provided matching funds, and would increase to $203 million in 1998.

Proponents of reform have touted the Presidential Election Campaign Fund in place since 1976. However, a review of the Presidential system certainly does not argue in favor of a similar congressional system. The Presidential system has placed two major new burdens on taxpayers: FEC auditing enforcement, and fringe candidate proliferation.

So, Mr. President, the FEC audits of the 1988 campaigns were not completed until 1992. Enforcement proceedings rising out of those audits continue to this day. Of the 1992 Presidential campaigns, the FEC has not completed auditing five of them since 1992—the Bush, Clinton, Buchanan, Tsongas, and LaRouche campaigns.

To cope with the Senate and House-passed bills, FEC staff have estimated that the audit division would have to double in strength and the office of general counsel would have to increase by greater than 75 percent. Overall the FEC would need also a 50-percent budget increase.

I was around when Congress reregulated the cable industry. We thought there were some folks saying we have to regulate this thing. The rates are too high. Folks are a little arrogant out there. They do not service their customers very good. You do not have to take cable. It is sort of a voluntary thing. You can go out and buy it. You still have free over-the-air television and radio. But the rates were too high. Do you know what we did? We reregulated it.

Then I was here and I switched over and joined a committee called Appropriations. I never will forget when we came to the floor, when the FEC came to Congress, and said because you reregulated the cable industry we need $200 million more to write the rules and regulate it. So even the folks who did not want the cable, who did not want to pay for cable, the American taxpayer, are going to pay for cable anyway.

If that makes any common sense to you, then I guess I am riding the wrong horse, or something. But it seems like every time Congress tries to improve a system it costs more money. It costs more than it is worth. There is more work, and you are talking about the FEC, and a 50-percent increase in their budget. I just want the American people to think about that.

The majority proposals in both the Senate and House sought to model congressional elections on the Presidential system. The ultimate goal of the taxpayer spending limit proponents is to replicate the Presidential system for Congress 535 races; thousands of candidates. The only thing I can see out there on the horizon is more lawyers, more accountants, and more taxpayer auditors.

So, it will not require skilled lawyers to discover and exploit ways to get around the limits in the Senate or House-passed bill. There will be loopholes. They are there. Maybe we have not seen them yet. We have not found them. But I will tell you. They are there. They will be built in. They will render the limits meaningless for the well organized special interests. Just like I said before, special interests are defined as those folks who support my opponent.

The fact is these bills only selectively limit campaign spending. So to be fair, the Senate-passed bill is not exactly like the Presidential system of limits. Yes; like that system, the Senate bill would be expensive. And, like that system, the Senate bill will not work. It is unworkable. It will be a tangled mess of which we ourselves who serve in this body would not be able to sort it out on any given time plus the fact that it borders on being almost—and I am not real sure—unconstitutional.

So with the bill, the taxpayers not only would pay for the system that would not function as advertised, but they would pay for an assault on the first amendment of the Constitution.

So after years of pushing campaign finance bills designated as seizing the high ground on the reform issue while

being secure in the knowledge that a Republican President would veto it, the majority party is now in the position of formulating a bill that they can live with.

Clearly, neither the House nor the Senate bills would reform the campaign finance system. Reform suggests improvement. If truth in labeling applied to this bill, I will tell you. We would have to take another look at it. Both of those bills would dramatically change the campaign finance system at a great cost to all taxpayers, even those who would choose not to participate in the political or the electoral process.

So, there is a bipartisan desire for campaign finance reform. Gridlock has stemmed from the majority party's insistence on roadblocks to reforms such as spending limits, taxpayer financing. In fact, the majority party itself has caused gridlock on this issue with the delay in resolving the PAC differences among its own Members. There is common ground on other campaign finance issues which could form as a basis of amicable reform, and as a basis of meaningful reform.

For the sake of the American people, for the restoration of some public esteem to this institution, I would hope that we would someday dispense with the taxpayer funded spending limits charade, and get on with the job of truly reforming campaign financing. Let us not put up a sham and call it a show.

I yield the floor.

Mr. McCONNELL. Madam President, I thank my distinguished friend from Montana for his important contribution to our effort to raise the public's awareness of what this bill is all about. He has made a significant contribution in that regard, and I commend him for taking the time to come over and give us his views on this legislation.

MEASURE READ FOR THE FIRST TIME—S. 2452

Mr. BOREN. Madam President, I understand that S. 2452, the Health Innovation Partnership Act, introduced earlier today by Senators GRAMM and HATFIELD is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. BOREN. I ask for its first reading.

The bill (S. 2452) was read for the first time.

Mr. BOREN. I now ask for its second reading.

Mr. McCONNELL. I Object.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

RECESS UNTIL 10 P.M.

Mr. BOREN. Madam President, I ask unanimous consent that the Senate now stand in recess until the hour of 10 p.m. this evening, and that the time during the recess be charged against the 30 hours under rule XXII.

There being no objection, the Senate, at 7:02 p.m., recessed until 10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KERRY).

HOUSE OF REPRESENTATIVES CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993—MESSAGE FROM THE HOUSE

The Senate continued with the consideration of the message from the House.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I would like to briefly review the situation that confronts us and to explain to my colleagues how we came to this situation.

We have been working for some time in this body on the issue and question of campaign finance reform, a very important issue for the American people. The way that campaigns are financed has become a matter of increasing concern to the American people, affecting the trust that the people have in this institution as the costs of campaigns have continued to skyrocket.

Members of this body have had to spend more and more of their time raising money instead of dealing with the people's business. There is a perception that special interests have undue influence in a situation in which it requires so much money to run for public office in this country. And more and more of the money has not been coming from the people back home, the voters in the districts of those Members of Congress—the House Members and the Senators—but it has come from outside the boundaries even of the States which they represent. It has come more and more from political action committees, which give to incumbents in House races at the rate of 10 to 1, $10 to incumbents to every $1 to challengers and at the rate of 6 to 1 in Senate races, $6 to incumbents for every $1 to challengers. And every year the problem gets worse. In 1992, the amount of money spent on campaigns by candidates running for Congress, the House of Representatives and the Senate, in this country increased by 52 percent to $678 million.

This issue has not just been of concern recently, although I think concern continues to escalate as confidence in this institution continues to drop. Only 14 percent of the American people, according to the latest public opinion poll, now approve of the job that Congress is doing; 79 percent of the people when they look at the impact of money on the outcome of elections in this country, when they look at where the money is coming from, when they realize that the average American simply does not have the means to make large financial contributions to campaigns—79 percent look at these facts and say we do not believe that Congress represents or cares about people like us.

Earlier in the afternoon I listened to the debate and I restrained myself from entering this debate because I did not want to take up the time or to participate in a post-cloture filibuster, which is what is going on here; an effort to make it impossible, by stalling for time, for the Congress of the United States to have an opportunity to act on this important issue this year in spite of the fact that a bipartisan majority of 60 to 38 passed this bill in June of 1993. In spite of the fact that by a vote of 62 to 38 cloture was imposed on this legislation, allowing us to vote on it when it came through this body before with a bipartisan majority, we are now being prevented from voting because of a filibuster.

I restrained myself from entering into that debate because I think the American people need to know that this is not a debate. It is not being continued for the purpose of informing the American people or discussing the issue. This is a filibuster being staged for the purpose of preventing this Congress from acting on this important issue. But I do want to at least set one or two points in the record straight that have been made in the course of the debate today.

First of all, those on the other side who criticized the bill as it passed the Senate—there is not a bill yet to criticize in the conference because the conference committee has not even been allowed to meet, so the criticisms are of a hypothetical bill that is not yet even before us. It was said the effort to enact spending limits in campaigns was an "incumbents' protection plan." If there is any incumbents' protection plan, it is the law as it exists today, it is the current system. Why do I say that? This is not a matter for us to hypothesize about. The facts speak for themselves. In over 90 percent of the cases—and you can always find exceptions—in over 90 percent of the cases the candidate with the most money to spend in an election wins that election. Under the current system with no limits on spending, no limits on the amount of money that can be raised for campaigns, the average House Member raises five times as much as the average challenger and the average sitting Senator raises three times as much as the average challenger. As I mentioned, the PAC money flows in, not on a level playing field, not on an equal basis to incumbents and to challengers; it flows in to incumbents at a rate of 10 to 1.

If you ever had an unlevel playing field, if you ever had an incumbents' protection plan, it is the system which allows for no limits on the amount of

money you can raise and spend in campaigns. Why? Because incumbents will always have an advantage when it comes to raising money. We are here. Incumbents chair the important committees and important subcommittees that affect the economic interests of large numbers of groups across this country who have formed political action committees and who pour money into campaigns by the tens and hundreds of millions of dollars.

So, as long as we have a system with no spending limits, the sky is the limit. The sky is the limit. We will have an incumbents' protection plan because of the advantages that incumbents have in raising unlimited amounts of money. Many incumbents would have been forced to have spent far less, millions of dollars less, in the last campaigns had the bill which passed the Senate been in place, a bill which puts on spending limits. Many incumbents would have been affected by the spending limits. Virtually no challengers were able to raise even the amount of money allowed under this law if passed.

So the idea that the bill we are presenting is an incumbents' protection plan simply will not stand the light of day. We are trying to give challengers a chance. As long as there is a system that puts no limit on spending and what the special interest groups can contribute to campaigns, challengers will never have an equal chance. And that is why it is so hard to get campaign finance reform passed, because the current system favors incumbents. Between 85 and 90 percent of all incumbents in the House and Senate were reelected in the last election cycle in spite of major discontent with the way that Congress had been conducting itself. And the reason is money, money, and more money—poured into the coffers of incumbents who use their large war chests to discourage and even frighten away challengers.

How often have we read those stories in the newspapers or seen them reported in the media: Sitting Senator, or sitting Congressman or Congresswoman, has a huge war chest; sitting on top of hundreds of thousands and even in some cases millions of dollars. And incumbents get out those stories in the media. They do it on purpose because they know it will frighten away challengers. And even if you have challengers who can perhaps match incumbents dollar for dollar inside the State where they live or inside the district they want to serve, they know that at the last minute hundreds of thousands of dollars can come pouring in from the political action committees from outside the State and overwhelm them. Why? Because they are new, they are trying to break into politics, they have new ideas, they want to come here to serve. And incumbents are already there; already with massive power in their own hands to affect the interest groups who pour in the money as a matter of insurance.

So the record speaks for itself. If the current plan does not favor incumbents when incumbents have five times as much money to spend on campaigns as challengers, if the current system does not favor incumbents when by a ratio of 10 to 1 the PAC money is going to incumbents, what in the world do we call a plan that favors incumbents?

The other thing I have to say is that I believe those who feel the expenditure of money is somehow the most important aspect of expression or free speech badly confuse what should be at the heart of the political debate. Yes, candidates should have sufficient access to the media to buy advertising, for example, to become well known. Yes, a challenger should have an opportunity to be able to advertise and present his or her views because incumbents have already had access, as has been said before, to the media—oftentimes using the perks that belong to sitting Members of Congress to gain access to the various media opportunities that we have here, the mass mailing privileges and other privileges.

But that does not mean that challengers are served by having no limits. Our bill does not limit in any unreasonable way the amount of access that people can have. But surely campaigns ought to be more about ideas. They ought to be more about qualifications than they are simply about which candidate has the most money. What have we come to in this country if we feel that campaigns should be decided on the basis of who can most effectively raise and spend money instead of on the basis of which candidate has the best ideas? The best concepts? The greatest vision? The strongest qualifications? The most ability? The strongest character to serve this country and to guide us into our future? We are not well served by a system which, in the eyes of more and more of the American people, is simply putting major offices under our political system on the auction block for sale to the highest bidder.

These are arguments that have not just been made today or this week. These are not arguments pro and con about the need to limit campaign spending—and that is at issue here. Those on the other side of the aisle who have criticized our proposal know full well that, because of a Supreme Court decision, we have to provide incentives in order to get candidates to voluntarily accept spending limits, to meet the standards set in the case of Buckley versus Valeo. This debate is not about whether or not we should have some incentives—for example, lower cost television time as we provide in this bill in order to keep any possible cost to the taxpayers to a minimum, or other incentives that are paid for by limiting deductions on lobbying and increasing lobby registration fees so we will not have any burden on the general taxpayers. That is not the issue in this bill.

The real issue is shall we put limits on overall campaign spending? How much spending is enough? Has the quality of American political life, has the functioning of this institution, has the performance of our duties as U.S. Senators improved because we increase the amount that we spend on campaigns each and every election cycle? I remember when I first came here we were spending an average of $600,000 per election for a victorious campaign for the U.S. Senate. Then it went to $2 million and then it went to $3 million and now it is almost at $4 million. And if you project out ahead 10 or 12 more years, it will be $8 million to $10 million to $12 million at the current rate of increase.

Often I speak at high school commencements. And when I urge those students to consider careers in public service because they are so satisfying, when I urge those students to invest their lives in a way that will help them make a difference, when I urge some of them to consider running for Congress or for U.S. Senator or for Governor, what I do not tell them—and I do not have the heart to tell them—is that along with preparing yourself, learning as much as you can, having a good heart, wanting to serve, having good ideas, having the energy to get out and campaign, you better start thinking about how you are going to raise the $6 million or $8 million or, by the time they are old enough to qualify to run for these offices, how they are going to raise the $12 million on the average they are going to need to run for the U.S. Senate.

I do not have the heart to tell them that. That is the issue. It must be stopped. This corrosive influence on our political system must be stopped. We can have adequate opportunity for candidates to have access to the media without requiring enormous amounts of money to run campaigns. We can allow more opportunities to challengers by having spending limits because it is the incumbents who are limited by spending limits, not the challengers. Most challengers do not have a hope of raising the amount of money allowed under this bill to run for office. Let us level the playing field.

So it is an important question. It is the question of restoring trust in this institution, trust in the Congress, a sense of trust and commitment between the people of our country and their own Government. It should belong to them. The debate has been going on now for a long, long time. As I indicated we do not need more time to debate this. Surely we do not need more time to debate before the conference committee has a chance to

present a bill to us that we can debate. We do not know all the details of the bill which might come out of the conference because the conference committee is not now being allowed to meet. But we debated these same issues. I can almost repeat word for word like a catechism the arguments made on the other side and the arguments that many are going to make in response because we have been going through this now for at least 11 years that I know about.

In 1983 Senator Goldwater and I first introduced our bipartisan proposal to try to reduce campaign spending and the influence of political action committees on the American political process. In 1983, and every single year thereafter, that legislation or similar legislation has been reintroduced. It has passed one House or the other. We have had long debates in the night. We had a record number of cloture votes during the leadership of Senator BYRD who tried to bring the debate to a conclusion. We debated, and we debated, and debated. We have had filibuster after filibuster. When we finally passed a similar bill through both Houses it was vetoed by the President.

Now we have passed a similar bill again through both Houses of the Congress and now we are simply seeking the right for the House and Senate to sit down together and see if they can work out a bill that will be acceptable to a bipartisan majority of both Houses. And in our informal discussions with the House leadership those from the Senate have continuously said we do not want a partisan bill; we do not want a bill that will not keep faith with those Members of the other party who voted to send this bill forward. We want a bill that will keep faith with those amendments which they offered and those principles for which they stood and we do not seek a bill to give partisan advantage simply to either side.

Mr. President, since we have been debating these issues for 12 years, 11 or 12 years, since year after year after year we have spent many hours, hundreds of hours debating this subject. Why then are we here tonight at 10:20 in the evening poised to go all night long debating it again? Is it to inform the American people after 11 years of debate and hundreds of hours of talking and cloture vote after cloture vote and filibuster after filibuster? The American people have not been placed on some diet, some factual diet when it comes to information about this issue. If anything, they are suffering from indigestion from too much political rhetoric and too much arguing for too many years and not enough deciding.

The American people are fed up with this talking about things instead of doing something about the problems that we have. No, it is obviously not for debate. Then what is the purpose? Here is the situation we are in. Normally in the Senate, in almost every situation that I can remember during my 16 years here when we have a difference of opinion between the House and the Senate on a pending bill, the majority leader is given the authority on the basis of a unanimous-consent request—this has happened in 99.9 percent of the cases—to state to the House that we disagree with their amendments, that we want to have a conference with them and then to appoint conferees to see if they can work out a reasonable bill. If they cannot, when this conference committee report comes back over here, we have the right to debate it. We will have all the details before us then. We will know exactly what the conference committee decided. We will debate it then. That is when we should debate it. Those that are opposed to it have a right to filibuster at that point. Unless we can muster 60 votes to bring the debate to a conclusion it will never come to a vote. And even then there is a right of 30 hours of debate after cloture is imposed on a conference committee report.

Mr. President, clearly there will be a full and adequate opportunity to debate any bill that comes out of conference if any bill does come. Clearly there will be every right available to those who oppose this bill to oppose cloture. If they lose on cloture, then to debate every single aspect for at least 30 more hours of this bill so that the American people can follow it in great detail.

What is happening here, Mr. President, in a very unusual step, those who have opposed this measure, although they are in the minority, although they are not even 40, certainly there are 60 votes—there were 60 votes to pass this bill, and 62 votes to impose cloture when it first came through the Senator to the Senate—they are now filibustering the motion to disagree with the House amendments, the very amendments they themselves have criticized, amendments which allow PAC's to give more money, amendments which allow soft money, amendments which allow more public financing, amendments which allow incumbents to carry over war chests. If we were voting on the merits of whether or not we agree with the House amendments, I do not think there would be 10 people say they prefer the House bill to the Senate bill.

So what are we doing here? Why is there an attempt to block our opportunity to vote on a motion which says we do not like the House amendments? They are not popular on either side of the aisle in this body. There is an effort being made to prevent us from voting on that motion because of the feeling and the desire on the part of those who are making us debate at this moment and appearing on this filibuster that they do not want anything to pass. We had a vote. Well over 90 Senators voted for cloture. But now we are going to have a postcloture filibuster with 30 more hours of debate.

And those who have forced us into this 30 additional hours of debate know that next the majority leader must come forward and say he moves to request a conference with the House. And that is subject to filibuster. He will have to wait 2 days to file a motion for cloture on that motion. And then, if cloture is invoked by an overwhelming majority of this Senate, there is still the right for 30 more hours of debate after the majority have said we want to bring the debate to a close.

So we are up to 60 hours. And then there is another motion that has to be made under our rules. Mr. President, it is always done; nearly always done by unanimous consent with no debate, and no time wasted. That is the motion to authorize the appointment of conferees. So the Senate can be represented in a meeting with the House. And that motion is subject to being filibustered and a cloture motion has to be filed after 2 days. Then if cloture is invoked, there is a right for 30 more hours of debate.

So you have 30 hours, 60 hours, 90 hours, 48 more hours with 2 days in between, twice, 96 more hours, 186 hours. Then, Mr. President, after 186 hours or perhaps a few more added in for other procedural delays, maybe 190 hours, we will have the right, Mr. President, to sit down with the Members of the House of Representatives to see whether or not we can work out a bill acceptable to both Houses and to a bipartisan majority; 190 hours.

Mr. President, if we are then successful in working out a proposal that is fair and is just and deals with this problem on the massive amount of money being poured into campaigns, then we have to bring that proposal back to the Senate of the United States. And the motion to proceed to that conference report I believe can be filibustered. Then you have to have cloture. Then you have to have a vote. Then you vote on whether or not to pass the conference report. That is subject to filibuster, and that subject to the need to file a motion for cloture, and that is subject, even if you invoke cloture, to 30 more hours of debate on the conference report itself.

Mr. President, everyone here knows that the Senate plans to complete action hopefully on the 7th of October and adjourn for the year. You start adding up that 30 hours, 60 hours, 90 hours, 190 hours, 220 hours, another 24 hours to file a cloture motion, 250 hours, 260 hours.

Now, Mr. President, does anyone really believe that all of this is going on because there is a feeling after 11 long years of debate on this issue, 11 long years, does anyone really believe

with a straight face that we are here tonight because of a desire for the American people to hear more debate on this subject? We are here tonight because of a determination of a minority of Members in this Senate to block the possibility that any action will occur on this bill this year. It is a filibuster, pure and simple.

When people go to a football game and it gets down to the final few minutes, and the team that is ahead has the ball, and they run out the clock by simply having the ball put into play and falling on it immediately in order to maximize the amount of time running on the clock, there is not anybody in the stands who believes that that team is trying to score. There is not anybody that knows the rule of football that does not know that team is running out the clock.

Now, Mr. President, we are all adults here. We know what is going on. There is an effort to run out the clock with procedural delays to prevent action on a bill. Why would anyone do that? Mr. President, it seems to be happening on a number of issues. It is very disturbing to me.

I do not make this comment as partisan. This Senator as everyone knows is not partisan. This Senator was one of two Democrats in this body that voted for the confirmation of Mr. Bork to be on the Supreme Court; severely criticized by his own party for doing so. This Senator was one of the handful of Senators on this side of the aisle that voted against the stimulus package, that voted against the budget proposed by this administration. Why? Because I did not think it was right. Time and time again I have been willing to break ranks with my own party to do what I thought was right.

I do not believe we are sent here to be Democrats or Republicans first. I greatly admired the late Speaker Sam Rayburn. I knew him as a child. He was a great Democrat. But he defined being a great Democrat by saying, "If you are going to be a great Democrat, you first have to be a great American." I would say if we are going to be a great Republican or a great Democrat we first have to be a great American. You have to love your country. You have to put it first.

We are not here for the purpose of scoring political points. We should not be. We should be here for the purpose of doing the Nation's business and allowing important issues to be decided, and thinking about what we are going to say to the next generation the next time we make a high school commencement address about how much money they are going to have to plan to raise from which interest groups in order to have a chance to render public service as Members of the U.S. Congress. That is what we ought to be concerned about, Mr. President. There is an effort here to run out the clock. Why? Why does there seem to be a pattern developing here of running out the clock on almost every important issue that is still before us?

Could it be, Mr. President, that there are those who for partisan advantage do not want the Congress to accomplish much this year, so that they can go to the people and say the Democratic Congress could not get much done in spite of the fact that they have a President and a majority in both Houses?

Well, if you wanted to make that argument, Mr. President, one of the things you might do is run out the clock on important issues so you cannot get them decided. I say this as perhaps one of the most nonpartisan people in this Senate, perhaps one of the most criticized Members of the Senate on this side of the aisle for not standing up for my party often enough. But let us call a spade a spade. They are running out the clock on this bill, and on the desert bill, and on every other bill you can think about so that this Congress will not have a record of positive accomplishment.

Well, Mr. President, I do not believe in that. I do not believe in strategies of running out the clock for partisan advantage, cheating the American people and the majority of the Congress of the right to decide important issues. I do not believe in playing those kinds of games.

And I will tell you something else, Mr. President. The American people are intelligent. The American people know what is going on. One of the reasons that too many politicians are in trouble today is they have underestimated the common sense, the understanding, and the patriotism of the American people. They are way ahead of us most of the time. We struggle to catch up with their good will, their common sense and their patriotism. And they do not like tactics of running out the clock.

Give us a chance, I would plead with my colleagues on the other side of the aisle, just give us a chance. This Senator will not bring a bill back here out of the conference committee, if we have a chance to meet in the conference committee, that breaks faith with those Members on the other side of the aisle who supported passage of this bill in this body in the first place. This Senator will not knowingly bring a bill back ever on a subject of this kind, on the subject of the electoral process of this country that seeks to provide advantage to my party over the other party. I will not do that. I do not believe in that. Nor do I believe my colleagues who have been working with me on this bill would do it either.

Give us a chance. That is all we are saying. Give us a chance. I asked today could we not just vote on these two motions to reject the House amendments which are clearly amendments that nobody agrees with on this side of the Capitol, in both parties, and then vote on the motion to request a conference. And then let us come before all of us and say, if we go to conference, here is what we think the general framework of the agreement might be. And then if those on the other side of the aisle and those who oppose this bill feel that that is totally unacceptable, if those Republican Senators, for example, who voted to send this bill forward in the process say it is unacceptable, the principles we believe in have not been followed, then they can vote against the motion to appoint conferees. They can even still block us from going to conference.

But why put us through 30 hours, 60 hours, 48 hours for 2 more days to lay down cloture motions. Why put us through over 100 hours of running out the clock? Why not let us have a chance to sit down on an important matter like this and see, see if we can work out a bill that will be fair. It is too important to play politics with it, too important to seek partisan advantage with it, and it should not happen that way.

Let the record reflect, let the record reflect that if it is reported that this Congress ends without the passage of a meaningful campaign finance reform bill, let it be clear where the responsibility rests. If we make a good-faith effort and we sit down in a conference committee and we cannot reach an agreement either between House Democrats and Senate Democrats or if we cannot reach an agreement after honest effort between Members of the House and Members of the Senate of both parties on this bill, then responsibility can rest with us; we tried but we fell short.

If we are not even given an opportunity to try, Mr. President, if we are not even given an opportunity to try because of the tactics of those who want to run out the clock, using every parliamentary trick in the book, then let the record show that the responsibility for the lack of success and the lack of action in this Congress on this major issue rests with those who use the tactic of running out the clock and only with those who use the tactic of running out the clock. They deserve the responsibility, and they deserve to be judged by it. They deserve to be judged on the basis that they would not even let us try, that they would not even let us have a vote on a product, on an effort to try to solve a serious problem at the heart of our political process.

So that is why we are here. For any of the American people who are watching us on C-SPAN, that is why we are here. We are here because of partisan politics. We are here playing political games. We are here using procedures to run out the clock at a time when only 14 percent of the American people have

confidence in us in the first place, at a time when the American people are more nonpartisan than they have ever been, at a time when the American people say to us behave like adults, quit being Democrats and Republicans, work together, try to find common ground, be fair with each other.

In most places, most communities, when you have something to work out or a decision to make, you sit down. You debate it. You thrash it out. And finally you vote. You decide it. You do not go through cloture rules on motions to reject amendments and 30 hours of postcloture filibuster and 2 more days and more cloture votes and more filibusters and 30 more hours of postcloture filibuster and another motion and another 30 hours. The American people look at us and they ask, why cannot you people ever get anything done in Washington? Why do you just talk about things instead of solving problems?

Well, as usual, the people are not all wrong. And I know one thing about this. The people are not fooled. When they tune in 20 minutes to 11 and perhaps they will tune in again at 3 a.m. or 5 a.m.—I do not know how long it will take—or 6 o'clock tomorrow morning, or maybe they will sit with us all through the whole 30 hours of continuous session of the Senate as we try to run out the clock, those opposed to action try to run out the clock so we cannot have an opportunity to see if we can put something together, they will not be fooled. The American people will see through it. They will understand the strategy of filibusters and postcloture filibusters. They will understand what it means to run out the clock. They have seen it on ESPN. They see it nearly every football Saturday or Sunday. They know what it means to try to run out the clock and prevent anything from changing in the game.

Now, Mr. President, I am prepared to vote on this motion now. I do not know why we cannot go ahead and vote on this motion now, vote on the additional procedural motion now. Let us come back and in the light of day openly lay out what we think the framework of a conference might be, if we can get enough agreement to have a conference. If we cannot, that is our fault. Maybe we cannot. If we cannot, if we fail, that responsibility is ours. But give us the opportunity at least to try even if we fail.

Mr. President, I just simply want to say that if we are into a filibuster and therefore if the floor is left without those seeking to debate, the question will be put and the vote will be taken. If procedural attempts are made to kill time with quorum calls, those quorums will go live and we will have votes, not because we want to be unreasonable but simply because we think it is time to get on with the Nation's business and stop that old football strategy of running out the clock with postcloture filibusters so that those who want to criticize this Congress can go back at the end of it and say, see, I told you so; this Congress has no achievements. This Congress did not solve this problem.

Well, Mr. President, those who are trying to run out the clock will bear the responsibility and they will certainly have the clear understanding of the American people who know what is going on here.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I thank my good friend from Oklahoma for coming over and using up 40 minutes of our time. At any point during the course of the evening, if he would like to join this debate, we would be happy to have him. Time is certainly available should he want to use any of it. And I would encourage him to enter the debate once again.

Senator GORTON has been waiting patiently in the Chamber. He like I, of course, know what this debate is about, about stopping taxpayer funding of elections. That is what is trying to be perpetrated here in the 11th hour of this Congress, and we are happy to discuss it tonight and at any other time.

Mr. President, seeing Senator GORTON here, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, S. 3, the Senate version of changes in campaign laws, was passed by this body in June 1993, at least 15 months ago. The House proposal on this subject was passed in November 1993, 10 months ago—well over 1 day for every hour that this set of proposals may be debated.

Now, under normal processes in this Senate, on bills dealing with the substance of the law, a conference committee is appointed within hours, or at the most a few days after the second House of Congress has passed a bill on the same subject. The conference committee is appointed in order to attempt to reconcile the differences between those two bills. Generally, the composition of the conference committee reflects the party ratios in the two Houses. But this bill is not a bill of normal, ordinary substantive law. This is a bill about the way, the methods, the rules surrounding candidacy for office in the House of Representatives or the Senate. And as such it is of great interest to each Member, and it is, of course, most tempting on the part of any majority party to rewrite those rules to its own benefit.

Mr. President, I believe firmly that is the reason that for 10 months after the passage of the House version of this bill no attempt was made to appoint conferees from both parties to discuss the subject. The majority party in each House made a conscious decision that before a conference committee was appointed a handful of Members of each House from the majority party only, behind closed doors and informal rather than formal meetings, would determine what was best for that party in its attempt to change laws relating to elections. Unfortunately, unfortunately for that partisan process, members of the majority party in each House had profound differences as to what changes would be most advantageous to members of those parties in the two Houses of Congress.

But on one issue they were resolved. Members of the minority party would not be consulted in that process, and it is for that reason, and for that reason only, that we are here this evening. The distinguished junior Senator from Kentucky, who has not only spent countless hours, days, and months on this issue, but is clearly an acknowledged expert on the details of these bills and on their impact on the political process, was clearly not wanted in any of those discussions.

We are here now late in this session of Congress to appoint a conference committee for purely formal activities. That conference committee will be called upon to meet only once and only after the majority party in each House has determined to the last comma what is to be included in the bill presented to both Houses of Congress for final passage, and it is for that reason, and that reason only, that we are here.

Had the majority party been willing to consider the views of the great bulk of the Members of the minority party in either House, this conference committee would have been appointed 10 months ago and almost certainly would have completed its work in a relatively short period of time after that appointment.

The distinguished senior Senator from Oklahoma has spoken about not losing faith with his bipartisan majority. What that means is with a tiny handful of Members from this side of the aisle who, for one reason or another, were willing to agree with the original S. 3 that passed the Senate, no serious consultations have ever been undertaken with the leadership of this party or with the distinguished junior Senator from Kentucky.

It is the firm belief of this Senator that the greatly needed and intensely sought for appropriate neutral bipartisan reform of our election campaign laws will only occur when the effort is truly bipartisan in nature; that is to say, when it represents the considered views of the majority of Members of each party in each House of Congress and when the ultimate product imposes the same rules upon Members of both Houses of Congress, unlike the bizarre

creature which is certain to result from the conference committee sought by the senior Senator from Oklahoma which will create radically different rules for elections conducted for Members of each of the two Houses of the Congress of the United States.

No such truly bipartisan consultations were undertaken in the last Congress. No such truly bipartisan consultations have taken place during the course of this Congress and, as a result, it is impossible to conceive that the conference committee sought here would deal fairly, dispassionately and in a bipartisan or nonpartisan fashion with the issue that is before us in the course of these bills.

Mr. President, I intend to return to this subject to discuss the blatant unconstitutionality of the bill which was passed some 15 months ago by the Senate, as well as its obvious unfairness during the course of the next number of minutes. But I do have one, two, three other subjects which I feel to be urgent and which I intend to speak to at the present time.

DISASTROUS FOREST FIRES

One of those concerns the disastrous forest fires in the States of Washington, Oregon, Idaho, and Montana during the course of a long, dry, hot summer.

Mr. President, during the course of this past summer, forest fires have burned more than 3 million acres of land in the Western United States, double the number of acres burned in the previous year. In Washington State alone, hundreds of thousands of acres of forest lands have burned. These fires created an emergency situation in my State of Washington and in the other three affected States as well.

Let me reiterate and reemphasize that this is an emergency situation, one which deserves an emergency response. You have only to talk to the people who live in the areas of my State destroyed by these fires to understand why the Federal Government must immediately begin to restore the health of our forests. Let me give you an example of how important this issue is to people in the State of Washington.

I received a letter from the Okanogan County commissioners recently, and it reads in part:

> The recent forest and range fires that burned thousands of acres in north central and central Washington have had a devastating effect on local economies. The Okanogan County board of commissioners urges a quick response to save the economic value of these fire-damaged timber stands. Deterioration of these damaged areas begins immediately, so timing is very important. We request fire damage timber be harvested on a select-cut basis and restoration begin as soon as reasonable.

Mr. President, these are the words of the Okanogan County commissioners. It is hard to miss the urgency of their message, and it is this message of urgency that I heard from community leaders across the fire-ravaged areas of my State of Washington. The message to the Federal Government is clear and cogent: Get in quickly, get up the fuel load, conduct the salvage operations, and restore the health of our forests.

I say with some gratification and relief that administration officials, especially those in the U.S. Forest Service itself, after touring burned areas in my State, publicly stated that the Forest Service itself must begin to address forest health issues, specifically thinning, salvaging, and prescribed burning.

I say this with relief because almost the total direction of the U.S. Forest Service in this administration has been to restrict, to cut back on, to eliminate harvesting, or even the salvage of dead and downed timber in the national forests of the State.

This summer, however, was a wake-up call to the Forest Service, just as it has been, most regrettably, to the people of the Northwest States.

In any event, Jim Lyons, Assistant Secretary of Agriculture for Natural Resources and Environment is quoted in an August 13, 1994, Seattle Post Intelligencer article as saying:

> Forest management, rather than being the evil as some would portray, can be used to improve forest health.

Lyons went on to say that he "is also pushing for increased thinning and salvaging of downed timber."

Forest Chief Jack Ward Thomas has echoed the statements made by Mr. Lyons.

Yesterday, in written response to a request from the Speaker of the House, TOM FOLEY, Assistant Secretary Lyons again spelled out the administration's strong commitment to conducting salvaging and thinning operations to restore forest health. And I wish to share that letter with the Senate:

> Dear Mr. Speaker, thank you for expressing your concern about the current condition of our western national forests. I share your concern and sense of urgency about this situation in the West. The wild fires affecting Eastern Washington and other Western States are symptomatic of the excessive fuels——

Mr. BOREN addressed the Chair.

Mr. GORTON. "In areas of the region"——

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. Will the Senator desist?

Mr. MCCONNELL. The Senator from Washington has the floor. Does the Senator from Washington yield the floor?

Mr. GORTON. I have not yielded the floor.

Mr. MCCONNELL. The Senator from Washington has the floor.

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

Mr. GORTON. "I wanted to reassure you that I have taken aggressive actions to deal with the situation."

Mr. BOREN. Mr. President, I rise to call for the regular order of debate.

The PRESIDING OFFICER. The Senator from Oklahoma is correct for calling for the regular order of debate. Under the rules and precedents of the Senate, postcloture debate must be germane, and the Senator from Washington is not speaking to the subject of the debate.

The Senator from Washington does have the floor. But his comments must be, in the precedents of the Senate, on the subject of the debate.

Mr. GORTON. Mr. President, as I said just a few moments ago, the first and overwhelming objection to the proposals before us at the present time have to do with the blatant unconstitutionality, not only of S. 3 but of its House counterpart. And because we are discussing questions and issues related to the exercise of political debate, debate which is at the heart of the first amendment that guarantees freedom of speech, it seems to this Senator that we should start by examining the constitutional implications of the bills proposed and considered here this evening.

This issue is so central to myriad problems created by the bill passed by the majority party that it merits substantial and extended attention. I want my distinguished colleagues and the American people truly to understand all the abysmal and unconstitutional provisions that this body has already passed and which are undoubtedly to be included because they are central to the designs of the majority included in any future bill that comes before this Congress.

In 1976, the Supreme Court decided a case entitled Buckley versus Valeo. In that Buckley decision, the Supreme Court reviewed the constitutionality of the Federal Election Campaign Act under the constitutional portions under which we live today.

That act concerned the election of the President, the Vice President, and Members of both Houses of Congress. A large group of disparate plaintiffs attacked one or more portions of that law: The American Civil Liberties Union, the Conservative Union, the Libertarian Party, and a number of others.

Their principal challenges revolved around the mandated spending limits which were included in that bill. And it is, of course, the attempt by indirection to mandate spending limits which is at the heart of these present proposals and, certainly, is central to the arguments of the senior Senator from Oklahoma.

But, in 1976, the Supreme Court struck down the Presidential campaign system as unconstitutional and with it similar limits on spending for congressional races. The Supreme Court determined that campaign spending, which

is primarily for the purpose of communication with constituents, is analogous to speech. The Supreme Court said that campaign spending is speech. This is a vitally important point.

Speech, as we all remember from elementary school on, is protected by the first amendment to the Constitution. The essential holding of the Supreme Court in Buckley versus Valeo was that mandated spending limits, limits on campaign spending, amounted to limiting speech. They restrict the total amount of speech available to candidates by limiting what each candidate can spend on communication. They ration speech. That was an attempt on the part of the Government of the United States to ration free speech.

The Court inevitably concluded that spending limits by themselves are unconstitutional. Congress cannot, the Court said, force candidates to spend—or rather to speak—in only rationed amounts. In that decision, however, the Court found it to be constitutional for the Government to entice candidates through the provision of subsidies into accepting spending limits. Notice the difference: Candidates cannot be forced into accepting rationed speech but can freely choose to limit their own spending. This is the basis for today's Presidential campaign system. In exchange for complying with truly voluntary spending limits, candidates can receive generous subsidies from the Federal Treasury. In essence, of course, for spending limits to be truly voluntary, the Government must use a carrot and not a stick. There must be incentives. Rather, the Government must give incentives, not dole out punishments. Under our present Presidential system, if a candidate chooses not to abide by the spending limits, he or she does not have to do so. That candidate will simply not get the benefits provided by the American taxpayer. But the candidate is not penalized in any other way. There is no stick, there is no Big Brother Government watching closely to dole out harsh punishments.

This situation has in fact taken place on a number of occasions. Ross Perot, John Connally, and Eugene McCarthy all decided not to abide by spending limits and not to use taxpayer dollars to fund their campaigns. They were not punished for their decisions. Their opponents simply were generously rewarded by providing taxpayer benefits in exchange for their decisions to comply with the spending limits.

But what does the majority party's bill do for congressional races in this connection? Is it structured like the Presidential system and does it, therefore, meet the constitutional tests set forth by the Supreme Court in Buckley versus Valeo? The answer is an overwhelming and resounding "no." No, the scheme imagined by this bill is not structured like the Presidential system. No, it does not meet the constitutional tests set forth by the Supreme Court. In the past, the majority party proposed what is known as "communications vouchers" as incentives. Communications vouchers equal to 50 percent of the general election limit would be given to candidates who agree to the spending limits. Candidates would use these vouchers—which are widely known as food stamps for politicians and are, on policy, undesirable but clearly not unconstitutional—to purchase advertising time. The broadcasters would then redeem these vouchers for their face value at the U.S. Treasury.

But, even the majority party was deeply concerned about the costs of such vouchers. Billions of dollars would be needed to pay for this new entitlement program over the course of just a few elections. And that is just what it is, an entitlement program, an entitlement program for politicians, just at the time at which voters are wondering when the administration is going to get around to changing welfare as we know it. A new welfare program for politicians is not what the voters have in mind. So, the value of the communications vouchers was shrunk, and shrunk, and shrunk, down from 50 percent of the general election limit all the way to 20 and 25 percent in succeeding proposals.

The majority party then faced a dilemma. As the value of the communications vouchers dropped, so did the incentive for candidates to comply with the spending limits. Unlike the Presidential system in which candidates receive a generous set of benefits, the congressional system would use small and relatively unattractive benefits to induce candidates to comply with the spending limits. And, of course, most candidates would refuse to do so.

So what to do? Well, here came the stick; out came the penalties. Under the next proposal, if a candidate chooses not to comply with spending limits, gone are the broadcast discounts and gone are the mailing discounts. But here to stay is a massive infusion of tax dollars to his opponent when the candidate exceeds his rationed speech level. Here to stay is tax money given to an opponent to counteract an independent expenditure. Here to stay are tag lines in commercials, required tag lines, stating "This candidate has not agreed to voluntary campaign spending limits." And here to stay are additional Federal Election Commission reporting requirements. These are some pretty heavy sticks.

What we have is a system under which, if a candidate chose not to comply with the rationed speech limits, he is to be penalized. Not only does his opponent receive communications vouchers, but the candidate himself is penalized first by losing his own benefits, and second by seeing his opponent flooded with even more taxpayer dollars. Even a casual observer will recognize that this is wholly unlike the Presidential system that the Supreme Court found to be constitutional.

But the bill gets worse. When S. 3 was under consideration on the Senate floor, conservatives in the Senate still demanded an end to most public funding of campaigns. They knew it would never fly with the American people. They knew that food stamps for politicians would so anger the American people that they had to back off. So in the proposal passed by this body last June, the communications vouchers were gone. The new entitlement that was created was gone. And so was the carrot. In place was an ingenious—as ingenious as it was outrageous—new tax; a tax on speech.

We had already been through a rather bruising battle on taxes. Last year Congress considered the biggest tax increase in the history of the country. Every imaginable tax was considered by the administration for inclusion in the tax bill. There did not seem to be any end of them—a Btu tax, a gas tax, a Social Security benefits tax, a payroll tax, inheritance taxes, higher corporate taxes, higher individual income taxes, even a national sales tax. The list goes on and on.

The imagination and the creativity of the majority party was astounding. But this time they came up with something that amazed everyone—a tax on the sound and the words of a political campaign, a tax on speech. Under this new law, under this proposal, a political campaign would have only two choices. First, to be bound by a so-called voluntary spending limit, or, second, to be taxed at the corporate rate, currently 35 percent. What happened to the carrot? What happened to the voluntariness of spending limits? Gone.

With the new speech tax, any semblance of the spending limits as voluntary and any slim chance that anyone would think this system constitutional were gone. Obliterated is a better word. The Senate's adoption of the speech tax dropped any pretense that the spending limits in the bill are voluntary. Gone are the carrots; out comes the stick. Oh, boy, what a stick.

Let us compare the Senate-passed version of S. 3 with the Presidential system. To restate the Supreme Court's position, campaign spending is indistinguishable from campaign speech. Campaign spending is speech. It is therefore unconstitutional to limit campaign spending just as it is unconstitutional to limit free speech. They are one and the same—inseparable.

Nevertheless, the Court held in Buckley versus Valeo that candidates could be enticed to limit their speech by a generous taxpayer-funded subsidy. The

crucial point is that the limits had to be entirely voluntary. There could be enticements, but no coercion and no punishment for a failure to take those enticements.

That is how the Presidential system works. The public subsidy is so generous that most candidates agree to comply. But if they do not, they are not penalized and their opponents would receive no additional benefits above what they have already contracted for. Whether to give benefits to the opponent is solely determined by his or her own decision to live within the voluntary spending limits.

Applying those standards to the Senate-passed version of S. 3, and, in addition, to the House-passed H.R. 3, both bills are clearly unconstitutional. Punishment after punishment is imposed on any speech that is deemed to be excessive. Candidates are not enticed into compliance, they are taxed into submission. This is clearly and blatantly in conflict with the ruling as well as the spirit of Buckley versus Valeo.

But, if, indeed, the argument made by the majority party that this certainly meets a constitutional question, what is the logical conclusion? Why, instead of banning free speech, let us just tax it. If we can tax political speech, we can tax any kind of speech, anyplace and under any circumstances. Any type of speech that someone does not like, let us just impose a tax on it. Is it too much? Is it annoying? Is it on the wrong side of the political spectrum? Is it in a place where we would rather be free of speech? Do not worry about it, let us just tax it.

If Congress should pass this bill and should the President sign it, there is no doubt whatsoever that the Supreme Court will strike it down. I am amazed that even an argument has been made in this Chamber for its constitutionality.

I know the distinguished junior Senator from Kentucky will be a part of that challenge. But I suspect he will find himself a relatively small part of such a challenge, as there will be dozens of organizations interested in free speech, rivaling themselves in time to get into court with such a challenge.

Does the Senator from Kentucky wish to ask a question?

Mr. McCONNELL. If the Senator will just yield for an observation on the constitutional question? It is, of course, our fervent desire that we will not get to that point. But he is certainly correct. I commend him for making the observation that if this unfortunate monstrosity were to become the law of the land, it would not be the law of the land very long. Of course, that is not a good reason—I am sure my friend from Washington would agree—to vote for it, because we have sworn to uphold the Constitution and not to vote for things that clearly are unconstitutional. And that is certainly no argument for passing it. But the Senator from Washington is certainly correct that there would be a small army of coplaintiffs in any litigation challenging the constitutionality of this curious proposal.

Mr. GORTON. I thank the Senator from Kentucky for that observation, the most important portion of which, I think, is his statement that Members of the Congress of the United States do not fulfill their sworn duties simply by saying, "Let us pass whatever we would like under a given set of circumstances and let the courts take care of whether or not it is constitutional."

In the early days of the Republic some of the longest and most spirited debates in this body were on the constitutionality of a wide range of proposals. And when a majority of Members of the Senate of the United States determined after careful consideration and debate that a particular proposal did not meet with constitutional muster, they voted against the proposal and defeated it. As a consequence, I think far fewer acts of Congress were turned down by the courts of the United States because the Congress itself regarded that part of its duty as being paramount. I believe it to be so today. It is insufficient to say let the Supreme Court decide it. We need to decide that question for ourselves.

It seems to this Member at least, as it does to my friend from Kentucky, that a tax on free speech is so blatantly unconstitutional that it should not require our being here to debate it. It never should have been brought up in the first place.

Mr. President, I have another colleague ready to speak on this issue. So I will save the other of my remarks on this subject for a future time.

Mr. McCONNELL. Mr. President, let me thank my distinguished colleague from Washington for his contribution to this great debate, not only today, but at various intersections in the past. He has been a strong voice for adhering to the Constitution.

I see that our friend and colleague from Idaho is here.

Mr. President, I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Thank you very much, Mr. President.

Mr. President, during my recent visit to the State of Idaho the people of the State of Idaho convinced me that they were concerned about the nature of politics in this country. Likewise, the people of America are unhappy about the Congress of the United States. Only 25 percent of our constituents believe that we are doing a good job. They dislike the perception of the abuses of power that they see on Capitol Hill. And they feel that Washington, DC, has lost touch with America. They feel we have not sufficiently addressed the real issues facing America like spending, and the deficit, and real crime reform.

The people of Idaho did not once suggest to me that they should be taxed to contribute to campaigns across the country. As a matter of fact, I cannot remember a single incident where anybody asked me to tax them any more at all. But apparently Congress just does not get it. The message that I hear from America is a message of budget cutting, of reducing the deficit, not of increasing their debt to the Federal Government for the benefit of politicians. That is exactly the wrong message for this Congress to send to America. The people of America hate the idea of financing elections.

What is wrong with the majority's campaign finance reform legislation? Senate bill 3 was not a bill designed for the public good. But rather this bill was designed for the good of incumbents. We have all heard how this bill was designed to protect Democrat office holders. The name of this bill perhaps should not be the Campaign Finance Reform Act but rather the Incumbent Democrat Employment Act, or IDEA.

Mr. President, this bill is a bad idea—a bad idea for all of America. It is an idea whose time not only has not come but hopefully will never come to pass.

Have the American people really decided this bill was a good idea? It is being sold to the people of America as voluntary campaign finance reform? But where is the voluntariness in this? Are the contributions under this bill voluntary for the public? Do the people really want to spend their money on politicians rather than on reducing the deficit or improving the infrastructure or paying for the education of our children? What kind of cynical, self-serving legislation is being suggested here?

If I am not mistaken, it was Otto von Bismarck who said that "You should never watch laws or sausage being made." There is more pork sausage in this bill than in a meat market. I do not think the American taxpayer wants to provide food stamps for politicians.

This conference the majority would like to proceed to 15 months after the Senate passed this bill, 10 months after the House passed its bill, would be a sham. The minority will have no input. Its product will be presented as a fait accompli. That is precisely the idea. That is what is being designed.

The majority party leaders in the Senate and the House have been conferencing the campaign finance bills among themselves for the past 10 months. Most of the time, according to press reports, they were deadlocked among themselves over PAC moneys.

Evidently, after all the Democrat discussions over PAC's, taxpayer financing and the rest, the majority leadership has come to agreement on just

how they are going to go about forever severely limiting the Republican Party's chances of bringing our message to the people. They have decided how to give special interests a voice and silence the American people. The majority party leaders have come to or are nearly in agreement. They now want a formal conference to ratify this product. There is no other explanation for waiting until Congress is just about to adjourn to appoint conferees 15 and 10 months after action has been taken in the respective bodies.

If a majority seriously wanted a bipartisan conference report, conferees would have been appointed months ago. These tactics are particularly unfortunate because they reinforce the perception that this campaign finance effort is not really about reform but is in fact a partisan maneuver to rig the election laws to the majority party's advantage. Perhaps we will need an "Operation Restore Democracy" right here.

Nonparty soft money is left virtually unscathed by the House bill. And only a last-minute amendment in the Senate even begins to address the issue in the Senate-passed bill. Corporations operating under section 501(c) of the Tax Code and labor unions would not only have their power to influence elections preserved under the Senate and House bill but their power would in fact be enhanced.

Under the majority party's spending limit schemes, while private citizens seeking to support candidates of their choice would be squeezed out of the process and candidates would be constrained by spending limits, special interests would be able to spend an unlimited amount to influence the outcome of elections. Spending limits not only force campaign funds in independent expenditures and undisclosed and unregulated soft money they also impair the ability of challengers to successfully compete against incumbents.

Proponents of spending limits cite statistics showing that incumbents usually outspend challengers. Comprehensive studies, however, of election results and campaign spending over the last several cycles reveal that it is not necessary for challengers to spend more than or even as much as an incumbent in order to win. What is imperative is that a challenger be able to spend enough to get his or her message out and convince enough voters that it is time for change. Studies show that the amount every successful challenger must be able to spend is frequently more than the spending limits in the House and Senate bills would allow. That is the key point, Mr. President. Studies show that the amount a successful challenger must be able to spend is frequently more than the spending limits in the House and Senate bills would allow.

Is that mere coincidence? I doubt it. If you really want to address the inequities inherent in the present system, a system that protects incumbents and stifles challengers, then we should have passed Senate bill 7, the Comprehensive Campaign Finance Reform Act introduced by the Republican leader and cosponsored by a majority of Senate Republicans which contained a challenger seed money provision. This provision would have permitted the national political party committees to use a special coordinated fund to match early in-State contributions to challengers up to a total of $100,000. But this approach, which would be real reform, was rejected by the majority party.

Clearly neither the House nor Senate bills would reform the campaign finance system. "Reform," the term itself, suggests improvement. If truth in labeling applied to bill titles, those bills would be known as the "Campaign Finance Deform Acts." Both of those bills would dramatically change the campaign finance system at great cost to taxpayers and at the price of constitutional freedoms and a competitive electoral process. Such change is not reform of the sort Americans would like to see us enact into law.

Mr. President, there is a bipartisan desire for campaign reform. The Republicans are constantly accused of gridlock. But refusing to preside over the destruction of the multiparty system is not gridlock. Gridlock stems from the majority party's insistence on spending limits and taxpayer financing. In fact, the majority party itself has caused gridlock on this issue with its delay in resolving the PAC differences among its own Members.

There is common ground in other campaign finance issues which could form the basis for a meaningful reform measure. For the sake of the American people and the restoration of public esteem of this institution, I would hope that we could someday dispense with the taxpayer-funded spending limits and get on with the job of truly reforming campaign finance.

If Americans feel that Congress does a poor job at representing them now, what makes this body feel that by lining our campaign pockets with the taxes of hard-working Americans will convince them that they are on the way to better representation in the future?

If advertising is the meat of modern politics, all we are doing is providing those food stamps for politicians. And if taxpayer funding of existing Federal Government programs are not bad enough, here comes taxpayer funding for funding of incumbent campaigns. With the name identification that an incumbent historically takes into an election, it is safe to say that the incumbent Congress is voting itself an almost automatic reelection and forcing all of the American people, Republican, Democrat, independent, to fund this scheme.

The use of taxpayer funds in Senate bill 3 is decidedly one-sided, and it is a bad idea. With a $4 trillion debt it boggles the mind that this Congress could seriously consider spending hundreds of millions of dollars on this bill.

Without question, any of the proposed taxpayer-funded spending limits bills will carry an enormous price tag. The cost varies according to whose estimate you believe. But they are all huge. It is important to consider an observation that the Congressional Budget Office made last year while trying to estimate the proposed Senate bill's cost. CBO observed that "the cost of providing benefits under the system is highly uncertain."

It is uncertain because it depends on how many candidates there are and how many would choose to participate in this new politicians' entitlement program. There are countless scenarios to consider, all of which would change the price tag. A conference report based on the Senate- and House-passed campaign finance reform bills would create an entitlement program for politicians. Candidates of a major party, third party, and independent candidates would agree to abide by spending limits and raise the minimal threshold amount and would be entitled to a host of benefits.

The cost of these benefits really is not foreseeable. Can anyone really predict how many candidates there will be in 1996 or 1998 or the year 2000? Do you realize that there were 1,200 more congressional candidates in 1992 than in 1990? A stunning increase that was not foreseen. Who can know how many would have accepted matching funds had they been available? Many might have been wary of using tax dollars to fund their campaigns. On the other hand, hundreds or even thousands of additional candidates might have run as independent or third-party candidates because of the availability of tax dollars to fund campaigns. There are so many variables to consider but even the lowest estimates entail hundreds of millions of dollars.

Mr. President, as I have noted, a precise cost forecast is impossible because, first, there is no final bill, and, second, the variables such as the third party or independent candidates, the independent expenditure and excessive spending counterbalancing are by their very nature unpredictable.

Nevertheless, several cost analyses have been done, each weighing the variables differently. Now, the Democrats have estimated that it would cost $90 million every election cycle just to provide matching funds, which would be $200,000 per general election cycle to each candidate in the House. It is not clear what rationale was used in arriving at the $90 million estimate, but the Republican Policy Committee has estimated a Government cost per 2-year election cycle ranging from a low of

$207 million to a high of just under $300 million, depending upon the variables. An additional $50 million expense is expected to be incurred by broadcasters due to the 50-percent broadcast discount.

The Congressional Budget Office has estimated that it would cost $189 million in 1996 alone if both the House and Senate bills provide matching funds and would increase to $203 million in 1998. CBO appears to make low-ball assumptions as to the variables, the candidates, et cetera.

Taxpayers are catching on to the abuses and inadequacies of the taxpayer-funded Presidential system. That is why over the past 2 decades the vast majority of the American people chose not to check the "Yes" box on their Federal tax forms to designate $1 from taxes that they already owed to the Federal Government to go to the Presidential election campaign fund.

The checkoff rate was so anemic that the fund was nearly bankrupted after the 1992 election, and that is why the budget bill last year tripled the checkoff figure from $1 to $3.

So what do people get for their tax dollars in the Presidential system? A veritable parade of nonpartisan and highly knowledgeable witnesses have testified before the Senate Rules Committee in the past few years stating that the Presidential system of spending limits does not work.

The majority party proposals in both the Senate and House sought to model Congressional elections on the Presidential debacle. The ultimate goal of taxpayer-funded spending limit proponents is to replicate the Presidential system for Congress for 535 races—thousands of candidates, more lawyers, more accountants, more auditors. One does not have to be a scholar or a lawyer or a constitutional genius to figure out that American taxpayers are not eager to pay for our campaigns. Eighty percent of taxpayers are not, are not checking off $1 or $3 from taxes that they already owe to go to the Presidential candidates, nor are they clamoring to pay for our Senate campaigns, yet the Senate and the House proposals would cost the taxpayers hundreds of millions of dollars.

Mr. President, virtually every reputable scholar who has studied the issue believes spending limits are bad policy. They do not work, and their intended effect is antidemocratic.

Mr. President, what is really bizarre is forcing taxpayers to pay for a proven disaster. Not only should we not force taxpayers to pay for Congressional campaigns, we should reconsider the system which forces taxpayers to pay for Presidential campaigns and those quadrennial extravaganzas known as the party conventions. As a taxpayer-funded spending limit proponent observed at the time, the campaign finance debate had shifted away from spending limits and now is centered on taxpayer financing. Taxpayer financing of campaigns.

If you want spending limits, then you are going to have to make the taxpayers pay for them. They will not voluntarily pay for it, so you are going to have to force them to pay for it. However, since taxpayers have become increasingly hostile to the whole idea of taxpayer financing of campaigns, the proponents of spending limits had to scramble to duck the taxpayer's ire. Ultimately, in the Senate-passed bill, they proposed repealing a so-called lobbying tax deduction as an offset and contended, with remarkably straight faces, that it somehow did not affect taxpayers, never mind that the revenue produced would come directly from the U.S. Treasury and be diverted away from other far more worthy causes such as deficit reduction or infrastructure or public health improvements.

Further, the proponents of spending limits planned to stick everyone who buys postage with the bill for the revenue forgone from the reduced mail rate that complying candidates will receive. But this story of taxpayer financing of political campaigns cannot really be told without the story of how they intended the public to pay for broadcast time in these campaigns.

A few years ago, the Democrat proponents of this new welfare system devised a mechanism to make sure that challengers could never get more broadcast time than incumbents. That is worth repeating. They devised a mechanism to make sure that challengers could never get more broadcast time than incumbents. They proposed communication vouchers for candidates instead of cash. These are the food stamps of politicians that have been talked about. The proponents of spending limits shifted a sizable chunk of the cost of this proposal to broadcasters by forcing them to sell advertising to complying candidates at half price. Many broadcasters would have to eat the loss, and some small broadcasters would not be able to, and they would go bankrupt.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. KEMPTHORNE. I would yield.

Mr. McCONNELL. The Senator has been one of the great—actually, he is the originator of the whole unfunded mandates matter. I was listening carefully to the Senator's comments about what is required of the broadcasters. It strikes me as an unfunded mandate, very similar to things that the Senator from Idaho has been leading us to think more and more about, an unfunded mandate against the broadcast industry. Is the Senator from Kentucky correct in assuming the similarity is quite obvious?

Mr. KEMPTHORNE. Mr. President, the Senator from Kentucky is absolutely on target with his analysis. Unfunded Federal mandates. Hopefully this session, this Congress is going to finally come to terms with unfunded Federal mandates where Congress operates in a vacuum and determines that it wants to have something done and dictates that those things will be done but without any accountability as to Congress paying for them.

Mr. McCONNELL. Will the Senator yield further?

Mr. KEMPTHORNE. I would yield.

Mr. McCONNELL. Is the Senator from Kentucky correct that the bill of the Senator from Idaho on unfunded mandates has substantial Democratic support including the Democratic mayors from all across America?

Mr. KEMPTHORNE. Mr. President, I am very proud to say that the bill to stop unfunded Federal mandates has 63 Senate cosponsors, strong bipartisan support, including national associations such as the Governors, the mayors, county commissioners, the school boards, that are all bipartisan.

Mr. McCONNELL. Then the Senator from Kentucky is also correct, I assume, that many folks who think we ought to relieve unfunded mandates on State and local governments believe we ought to lay these unfunded mandates on the broadcast industry?

Mr. KEMPTHORNE. Mr. President, the Senator from Kentucky has raised a very valid point. It is the same principle. It is the same principle. We believe that we are within striking distance in doing something about this, and yet we are now dealing with another law that a number of our colleagues in this body are advocating become law which have unfunded Federal mandates. This time they are going to just single out and target the broadcasters of America.

Mr. McCONNELL. Will the Senator yield for a further question?

Mr. KEMPTHORNE. I would be happy to yield.

Mr. McCONNELL. Is there anything in the bill that would exempt the broadcaster from losing money from this unfunded mandate of the Federal Government to provide deeply discounted time to political candidates?

Mr. KEMPTHORNE. Well, as I say to my good friend from Kentucky, it would be passed on so that the commercial users of broadcasting that would go and pay the fees would have to pay more to help offset the cost that the broadcasters would lose. That is assuming that the small broadcasters can hang on. It may lead to their bankruptcy. But ultimately the consumer has to pay.

Mr. McCONNELL. It also assumes, does it not, I say to my friend from Idaho, that the consumer has nowhere to go? If it is a broadcaster who is in a lot of trouble and he does accommodate the market, who knows where that consumer goes? But in short, clearly it seems to me in listening to

the Senator from Idaho that the exact sort of thing that he is fighting here to help State and local governments seems to me to apply to the broadcasting industry. Supporters of this do not want to pay for it directly. They want to pay for it indirectly. In other words, they want to have somebody else pay for it, stick the consumer with the tab.

Mr. KEMPTHORNE. Well, again, I say to my friend from Kentucky, the principle is the same. It is the same. We should not be doing that. We should not have unfunded Federal mandates. We should not operate in this vacuum. By what right do we point to some industry, and in this case the broadcasters, and determine that they will now in essence subsidize political candidates, incumbent candidates? The people that have been elected, the incumbents of Congress, turning to that industry and saying you will now subsidize our campaigns. Boy, if that is not Government overreaching its bounds, if that is not something that questions the basic premises upon which this Nation has been founded.

Mr. MCCONNELL. Will the Senator yield further?

Mr. KEMPTHORNE. I would be happy to.

Mr. MCCONNELL. On this very same point, the Senator from Georgia [Mr. COVERDELL] was here this afternoon, and he raised an interesting point I had not thought about, which was that the broadcasters have been sort of singled out for punishment here. There is nothing in the bill that the bumper strip company discount their product or the direct mail people discount their product. What about the telephone banks, quite expensive in a modern political campaign? Nothing to make them discount their product. So we are just going to decide up here—as Senator COVERDELL put it, some wonk decided in Washington to single out the broadcast industry to pay the freight and these other favored industries—the Government picking out the winners and the losers here—these other favored industries will not have to pay the freight.

Mainly, I wanted to take this opportunity to just thank the Senator from Idaho for his outstanding leadership on the unfunded mandate issue. And clearly under this bill we are at it again.

Mr. KEMPTHORNE. We are at it again, I say to the Senator from Kentucky. Think of this awesome power of Congress to single out an industry and to decree that you will now sell us your services at 50 percent discount. And where does it stop? How long will the American public abide by that? They see through that. They know it is wrong. The broadcasters, they have been diligent in pointing this out, to their credit. But that is why this whole thing is flawed. This is a bill that has been designed for the incumbents to keep the incumbents in power. And that is why, I say to my friend from Kentucky, we are seeing in election after election in this cycle that incumbents are getting a rough ride by the public because the public has had enough of this.

These proposed communication vouchers that we talk about, the concept itself, communication vouchers, meaning that they will then go to the Government and turn them in, you see why we call it food stamps? It is amazing. And forcing them to pay it at half price. The communication voucher system was cheaper than full funding would be, but still it came with an astounding price tag, and that was literally billions of dollars would have to be paid for this scheme that was being designed.

So the communication vouchers were ratcheted down in succeeding proposals to 20 percent of the general election limit. Still, we are talking hundreds of millions of dollars per election, and a problem for spending limit aficionados, the smaller the vouchers the smaller the incentive for candidates to then comply and agree to the spending limits. So we were shrinking the incentives. So clearly they had to do something; they had to reverse this.

Spending limit proponents figured they could put in the bill a 50-percent broadcast discount and a mail discount, which the Congressional Budget Office would not count as direct cost to the Treasury. Add in some additional taxpayer-funded penalties—the excessive spending and independent expenditure counterbalancing provisions—which only kick in when the spending limit was breached, and suddenly the incentive was being bolstered so that candidates would have no choice but to agree to the spending limits.

Sure enough, the CBO cost projections were not as appalling as they had been earlier. While taxpayers still would bear the brunt, much of the cost of the congressional spending limit system had been shifted to broadcasters and postal users who would make up the cost of the revenue foregone due to the new congressional campaign mail discount.

But then something very interesting happened. Conservatives, both Republican and Democrats, determined that this was not going to fly, and so as has been pointed out by other speakers—but it is absolutely worth repeating—it was determined that there is another way to do this, another way to accomplish the goal without this mechanism that we just outlined. In their place was a new tax, the ultimate penalty for choosing to exercise the freedom of speech: a tax on speech. Incredible as it sounds, but a tax on speech.

Mr. President, last summer, just about every kind of tax that one could imagine had been floated in this body: a Btu tax, a gas tax, a value-added tax, a national sales tax, a Social Security benefits tax, a payroll tax, higher inheritance tax, higher corporate tax, and even a health benefits tax—tax, tax, tax, tax. At no point in our Nation's history had we seen the level of zeal and creativity which has been dedicated to the quest of taxing anything that breathes.

And then the Senate put forth the ultimate tax: quite literally taxing the sound that came out of a campaign if it resulted in spending over a campaign spending limit. Under the speech tax, a campaign would have two choices: be bound by a voluntary spending limit or, two, be taxed at the corporate rate of 35 percent.

With the advent of that tax, any semblance of voluntarism or constitutionality disappeared. Can you imagine, think of our Founding Fathers and one of the themes that they had: no taxation without representation; freedom of speech. What would our Founding Fathers say today if they heard that we were now considering taxing speech? I cannot even believe that that is the proposal that we are discussing.

They also added in a free speech penalty provision. There is another kicker. If a candidate exceeds the spending limit by even $1, or if a group of citizens decides to interject its views independently during an election, the complying candidate, the candidate that complies with these spending limits, would be eligible to receive an unlimited infusion of taxpayer dollars. So if you exceed it by $1, your opponent gets an unlimited infusion of taxpayer dollars.

Let me take a minute to explain—as if it needed explaining—why it is unconstitutional to impose a discriminatory tax on free speech.

The Senator from Washington discussed the Supreme Court case of Buckley versus Valeo where they repeatedly held that campaign spending is indistinguishable from campaign speech, and, therefore, it is unconstitutional to limit campaign spending.

You see, if you pull the plug on a microphone, then you have pulled the plug on the speech for everyone who is not in the front row, and so you have limited free speech. Nevertheless, the Court held in the Buckley case that candidates could be enticed to limit their speech. You cannot prevent it, but you can offer an incentive for them to limit their speech.

The crucial point was that such speech limits had to be purely voluntary. There could be incentives but no coercion. That is how the Presidential system works, where the public subsidy is so generous that only extremely wealthy candidates can afford to turn down the money.

Applying the standards articulated in the Buckley decision, the Senate- and House-passed bills are clearly unconstitutional. It sets up layers upon layers of punishment for any speech which it

deems to be excessive, in direct conflict with the ruling and opinion in that case. If it is unconstitutional, as the Supreme Court has said, to impose spending limits on candidates by law, then it is also unconstitutional to impose spending limits on candidates by discriminatory tax.

If, on the other hand, this body were to conclude that there is nothing improper about a discriminatory tax on speech, we may also want to consider the other speech taxes which might help to suppress unpleasant speech while raising revenues for deficit reduction. These other taxes could be aimed at pornography, television violence, independent expenditures and apply the revenues from these taxes to deficit reduction.

But who is going to determine where we draw the line once we begin this tax on the freedom of speech? This speech tax sets a new constitutional standard. If we do not like some form of speech, if it is inconvenient, we will not ban it, we will just tax it, and we will determine the rate of that tax. And guess who will do that? The incumbent Members of Congress, the very ones that are to be assisted most by this little program.

The Senate bill's discriminatory tax on speech is not merely indirect constraint on speech, it is a direct attack on the first amendment rights of candidates as articulated by the Supreme Court. Thus, the speech tax, passed by the Senate, taxes candidates into submission. We cannot afford to entice them, so we will use the Tax Code to pummel. What candidate would dare not comply with this bill when the gross receipts are going to be taxed at the full corporate rate?

On top of it all, as if all of the foregoing were not enough, not only do they seek to heap this indignity on us, but any politician who does not feel that he or she should take the taxpayer money for a campaign is labeled by this bill, which the minority report correctly classified as a scarlet letter, a statement that the candidate has not agreed to voluntary spending limits. That is how that candidate will be labeled. Instead, let me suggest that any candidate who takes this money should be required to state: "This candidate has chosen to be funded by the taxpayers and not by independent supporters."

Yet, with all of this designed as it is to promote a one-party system in America, the incumbent party, is there any doubt what would be left out in conference? Will my amendment requiring an audit of all campaigns receiving taxpayer funds, rather than just the 10 percent under the original bill, be retained? I think that is a very important point. The original bill said that they would only audit 10 percent of the campaigns that took the taxpayers' money. Now who is going to figure out which 10 percent are to be audited? That is amazing. I have an idea of how incumbents might determine who is audited.

My belief is, though, that if anybody is going to use the taxpayers' money, every one of us should be audited. Well, that was not passed in this body. While the Nation goes wanting with every dollar of critical revenue needed for the deficit, the Congress intends to take taxpayer money and hand it over to politicians at every election. But even with the micromanagement of campaigns that S. 3 proposed originally, it did not protect the taxpayer money that is so easily handed out.

It seems to me that if this body believes any Senator who receives more than $25 from a lobbyist will be corrupted, what makes him believe candidates will not take those odds that if only 10 percent of them are audited, do not worry about it? Do not worry about it. Do not worry about the taxpayers' money. The taxpayers already do not believe we have been careful with public trust. They do not believe we exercise enough control over their money.

Well, they are right. We have dismissed their objections to public financing, that public financing was a waste of money. We owe it to the people to ensure that their money is spent in accordance with the bill and all of the Federal election laws.

My amendment to S. 3 requiring audit of any candidate who took public campaign assistance was passed unanimously. But I do not believe that even that commonsense, practical approach to campaign finance would be retained in conference. In the words of a good friend, the Senator from South Carolina, who said, "You can't legislate common sense," to paraphrase, I guess, common sense has very little chance to survive the conference. It would be removed. I am sure that in the remaining days of this Congress, the majority party will, as it shuffles off to difficult days ahead with the American people, bring back a campaign finance bill conference report so one-sided that any chance for real reform will be lost. No, S. 3 is a politically one-sided bill in classic Democrat style. We are forcing a system on the people that they do not need, a system that will not work, and a system that denies them, the public, their participation. And on top of it all, it forces them to pay for it. The Republican alternative was a good commonsense approach to campaign finance reform. It was real reform without any of the funding, without any of the coercion.

S. 7, the Republican proposal, banned PAC contributions, eliminated all taxpayer-financed mass mailings, reduced out-of-State contributions by 50 percent and, best of all, there were no taxpayer funds used to fund the system.

Senate bill 7 allowed political parties to furnish seed money to political challengers rather than having the taxpayers provide funds.

These are simple and elegant reforms which go a long way to reforming the process without creating yet a new way to put politicians in the public's wallet before they are even elected.

Senate bill 3 is the incumbent Democrat election act. It is a bad idea for Congress and a bad idea for the American public.

Mr. President, our friend from Oklahoma had pointed out that this campaign reform effort has been 11 years in the making and yet it is one-sided. I will reiterate that there is bipartisan support for true campaign reform, bipartisan. A majority, I believe, if we could do what was right instead of what was politically motivated.

So I would like to just say I commend the Senator from Kentucky for his leadership on this whole effort and would encourage him to keep up his efforts because he is doing the right thing and, on behalf of the American taxpayer, let me thank the Senator from Kentucky.

With that, Mr. President, I yield the floor to the Senator from Kentucky.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, the Senator from Oklahoma is here but before the Senator from Idaho leaves the floor, I thank him for his wonderful speech, and again thank him for the work he is doing in the area of unfunded mandates and the interesting parallel he drew between the unfunded mandate legislation he is pushing, which would provide relief for State and local government supported by many people on the other side of the aisle. There are 63 cosponsors he has, who have no compunction whatsoever about socking the broadcast industry with massive discounts to subsidize campaigns.

So I think the parallel was very apt. I thank the Senator from Idaho for his statement and his leadership on this issue as well. And I sure hope he will have a good night's sleep.

Mr. KEMPTHORNE. I thank, too, my friend from Kentucky. I appreciate it.

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I had the pleasure of listening to a great deal of the speech of the Senator from Idaho, Senator KEMPTHORNE. I tell you it is a breath of fresh air. I compliment the Senator from Idaho for his leadership. He has been an outstanding Member of the Senate, a new Member of the Senate from the State of Idaho. He was mayor of Boise, ID. But he is just a refreshing breath of fresh air, in my opinion, for the Senate and his work on trying to combat unfunded mandates. We hear so many people, as a matter of fact a majority of the Senate—I believe the Senator from Idaho said 63 cosponsors on

his bill. That is a little over half, if my math is accurate. And it would make me think we should pass that bill.

Yet we see the bill before us having an enormous unfunded mandate. We are going to tell the broadcasters they have to offer politicians one-half the rate of anybody else. The Senator from Kentucky has been active and he is married to Elaine Chao, who is head of the United Way of America, an enormous charity that does great work, raises hundreds of millions of dollars. Yet politicians are going to get to use broadcast time at one-half the rate of that charity, of any charity, under this bill. I cannot believe it. We are going to mandate the broadcasters to do it. They do not have an option.

I compliment the Senator from Idaho for his speech, for his integrity, for the outstanding job he is doing in the Senate. I compliment him. He has talked to me and talked to the majority of Members in this body. I hope he is going to pass the unfunded mandates bill this year. I concur. That is what we should be debating. If we are going to be debating something at midnight I think that would be something worth debating. It would be worth fighting for. The piece of legislation we have before us tonight is worth killing. It is not worth passing. It is worth fighting, and we will stand here all night if necessary to make sure it does not pass. It is not worth the time to pass.

I will just make a couple of comments because my good friend, Senator BOREN, is the principal sponsor of this. We are good friends. I compliment him for his tenacity, for his persistence in trying to pass this piece of legislation.

Actually I go back in history for several years. His initial piece of legislation was not that bad. His initial piece of legislation, if I remember, did not have public financing. I may be incorrect. The Senator from Kentucky——

Mr. MCCONNELL. If the Senator will yield, I believe the original Boren legislation had to do with reducing the influence of political action committees.

Mr. NICKLES. I think the Senator is correct. If I remember it did not have anything in it like vouchers. I know vouchers were taken out and we have massive subsidies in this bill. If people want to know why this Senator and most Republicans are opposed to S. 3, it is because we do not want to spend hundreds of millions of dollars subsidizing political campaigns, plain and simple. And our constituents do not want us to, either. So we are willing to spend a little time.

I want to touch just for a moment on the procedural situation because I have heard some people say this is just terrible. This shows the Senate does not work, the Senate cannot pass legislation and this is just an outrage.

Let us look at the procedural situation. I compliment the Senator from Kentucky because he has shown a great deal of courage. He said he is going to stand on the principle that we should not subsidize campaigns and he has been very outspoken on that. I happen to agree with him and I am going to stand with him. In the Senate we do have ways of trying to kill bills, particularly late in the session.

I might mention we are talking about appointing conferees. Some people say surely we can appoint conferees. Mr. President, we have 2 weeks left in this session, for all practical purposes, 2 weeks and maybe 2 days. I am on the Appropriations Committee. We have eight appropriations bills we have not passed. We have to pass those by the end of next week.

Mr. KERRY. Will the Senator yield?

Mr. NICKLES. We have no choice. We have to pass those bills by the end of next week or else we are going to have a continuing resolution which basically is admitting we have not done our job.

The PRESIDING OFFICER. Will the Senator yield to the Senator from Massachusetts?

Mr. NICKLES. I am happy to yield.

Mr. KERRY. Is the Senator suggesting we should not be allowed to go to conference and see if we cannot at least use those 2 weeks intelligently?

Mr. NICKLES. I will be happy to respond. Mr. President, we have had these bills and been working on these bills for a long time. This is the most absurd thing I can remember. I have been in the Senate for 14 years. The Senate bill was passed 15 months ago. The House bill was passed 10 months ago. And they are just now asking to appoint conferees.

Usually when you pass a bill in both Houses you ask for appointing conferees and you work out the differences. Basically, you work them out, and you try to do that shortly after the bill is passed because everybody is fresh on the issue. It has been 15 months.

I was kind of amazed, pulling out some of the old campaign finance stuff, because I spoke out at length against this bill in the first place because I thought it was a bad bill. But I cannot recall any time that we have passed a bill and waited 15 months to appoint conferees. Then the House, 10 months. So the conferees should have been appointed 10 months ago. Yet we waited that long. Why? Why in the world did it take so long for the majority party to announce they wanted to appoint conferees? They, the Democrats, control both the House and the Senate. They both passed bills they like that were supported overwhelmingly by the Democrats in the Senate and in the House, opposed overwhelmingly by the Republicans in both the House and the Senate. Why did it take so long to appoint conferees? Because a few people were negotiating the bill and they could not come to terms.

Mr. MCCONNELL. Will the Senator yield?

Mr. NICKLES. I yield.

Mr. MCCONNELL. The Senator is right on the mark. There was a conference going on all right, for 10 months. The majority has been conferring on this, sometimes with great passion and disagreement, for 10 months—gridlock.

Mr. NICKLES. The Senator is exactly right. It has been kind of fun, in a way, to watch the majority negotiate behind closed doors, not in a formal conference, but this way they could do it without any Republicans present and they could do it on little issues like whether or not we should ban PAC's, because a lot of people think this bill is about banning PAC's.

Mr. President, that is not the case. Republicans will vote for banning PAC's. We have already done it. Republicans voted to limiting PAC's to $1,000, same amount as individuals. That is my position. I do not know you can really ban PAC's constitutionally. If people want to get together and do it jointly, I do not think anything is wrong with that. But if we want to put that amount to the same as individuals, I think that is great. I support that and I will tell you overwhelming numbers of Republicans would support it, my guess is, in the Senate, because we have passed it in the Senate. So we can pass that.

So if people want to say this is about reducing the influence of PAC's, that bill can pass. But if you want to add public subsidies, if you want massive subsidies in the numbers of millions of dollars, that bill will not pass. For the majority leader to pull this bill up when we have 2 weeks and 2 days left and say this is the most important thing on our agenda, this is what we need to pass, that is ridiculous. That is laughable. It is almost kind of funny, except for some of us who know we still have legislation that we have to enact. We need to pass those appropriations bills. We have by the end of this month, September, by the end of September we have to pass the appropriations bills. We have passed a few. We still have eight. We have not passed the Department of Defense bill. I know the conference is still going on. We have not passed the Interior bill. We just finally passed the conference report today.

And on and on—several important appropriations conference reports have yet to be enacted and they have to go to the President's desk. He may or may not veto them, and if he vetoes them we still have some work to do. So I think we should be doing work that needs to be done, like appropriations bills, to meet our schedule. But I am almost amused that here are these bills that have been eligible to have the conferees appointed for the last 10 months and they do it 2 weeks before we go out.

And then with this urgent sense, the sense of urgency, we have to get this

done now. Then I look at what is in the bill and I am thinking, wait a minute, what is so urgent about this bill? It reminds me a lot of the health bill. If you ask people, "Are you for campaign reform?" They say, "Sure." "Are you for health care reform?" You say, "Sure." But wait a minute, we are going to find out something about the health care bill. When they find out the health care bill will outlaw the health care plan they now have and replace it with a Government-designed benefit package that may cost $6,000 per family, they say, "Wait a minute, I am not quite so sure. I do not think I like that bill."

When they say, "Are you for campaign reform?" "Oh, yes, it costs too much for those campaigns, let us sock it to those politicians."

Then, "Do you want taxpayers to pay for those political campaigns?" They say, "Heck, no." Heck or something else. Maybe something else a lot stronger. They do not want their taxpayers' dollars used to subsidize congressional campaigns, Congressmen and Senators. They are outraged at that idea.

The Senator from Kentucky coined the term "food stamps for politicians." It maybe is worse than that, because in food stamps we have limits. There is almost no limit on how much this will cost. And that bothers me. Some of us happen to be really kind of concerned about how much money we are spending and the subsidies in this bill are almost laughable except it would be true if it became law. It is almost a joke except it could become law. And what a sad irony that would be.

I will just touch on a couple of these things. It has been some time since we looked at it. But when people find out how much the subsidies are, they are just shocked.

I could use my State of Oklahoma, I could use the State of Kentucky, maybe use the State of Florida. It might be kind of interesting to look at some of the figures, the amount of subsidies, because I think when people find out they are eligible for subsidies of that amount, they kind of cringe. And sometimes they say, "Wait a minute, I did not know that was in the bill." I will just give an example.

In the State of Florida there is about $3.4 million. That is a general election limit. That sounds kind of nice. And they say OK. Under the Exon-Danforth amendment we took out the voter communication vouchers. That was $1.4 million in subsidies that was in S. 3 as reported by the Democrats. It was taken out on the floor. So they say, "We took that out. We took the subsidies out."

Let me just give an example. If you had two people running in Florida, one complies and the other does not comply—I heard it is voluntary and we like that word voluntary. So if it is voluntary one complies and the other side is not to comply, if the one that does not comply spends more than the general election limit, then, whoa, if they spend more than $3.4 million—it sounds like a lot of money but I guess in Florida races Governors and Senators spend more than that nowadays, would be my guess—wow, if people spend over that, I see that if somebody spent, say twice that amount and says, "No I am not going to comply, I am not going to take any taxpayer money, I do not want to participate," if they do not participate their opponent could be eligible for $3.4 million in taxpayer money. Here is a check courtesy of Uncle Sam, $3.4 million. Wait a minute, I thought this was voluntary. But if you do not comply your opponent is going to get $3.4 million? That is a pretty big subsidy. Oh, and then we find you do not comply so you have to pay the going rate, whatever it is in broadcasting just like anybody else in America.

But wait a minute, I should take that back because political candidates already get the lowest rate that anybody else gets. But if you do not comply your opponent is going to get one-half of that rate. So your opponent—if the Presiding Officer decided not to comply and says, "It is costing me about $5 or $6 million, I am not going to comply, I do not need to."

I do not want public money. I have stated in the past that I will not take public money as a matter of principle. So you go ahead and raise your $6 million or $7 million as usual. Your opponent gets $3.4 million of taxpayers money, and then he gets to go out and buy twice as much media as you can because he buys it at half the rate. So he gets $3.4 million of which he is able to buy about $6.8 million of TV time. That is all you raised altogether. Then they get more subsidies in addition to that. They get the mail a lot cheaper than anybody else. They get mail cheaper than any charity in the country.

Why in the world should politicians be able to mail cheaper than United Way or Salvation Army? Why give politicians such a special mail discount? Then you might have an independent expenditure. As a matter of fact, I would estimate if this bill passes you would have a lot of independent expenditures because you are going to limit what people can spend in a general election.

I mentioned Florida. I will take another case in point. Maybe a smaller State like Idaho. The Senator from Idaho was speaking. In their general election they can spend about—this is 1998. No wonder the figure is so high. I have charts for each election year cycle. I will look at the year 1996, a little closer to home. And you take a State such as Arkansas. In the general election, the limit is about $1.2 million; actually $1.273 million. So if an individual wanted to spend that amount of money, he or she could do so. They would get one-half of the discount rate from the broadcasters. So they would have that subsidy. But since they are limited to $1.273 million, they may have some friends who say, "I want to do something for you. I will run an independent expenditure and try to help you a little bit." There is no limit on how much they can spend on that independent expenditure.

So they do it. Uncle Sam is going to have to come in on the other side and match it dollar for dollar. There is no limit. This thing could cost hundreds of thousands of dollars. You might say that is to discourage independent expenditures. But it might not stop there. So the taxpayers will be liable for the entire amount. Or somebody might do some Mickey Mouse independent expenditure on the other side to get matching funds.

You could milk this system for all it is worth. You could have a friend say, "Why don't you do an independent expenditure for my opponent? You could do a crummy job on it, and have one that would have no impact whatsoever, and then get taxpayers' funds of hundreds of thousands of dollars that you get to spend in any way you want to that might be effective.

Mr. MCCONNELL. If the Senator will yield, how about the following independent expenditure? I would be interested in the reaction of my friend from Oklahoma to this. A group comes in and says, "We think you ought to vote for Senator DON NICKLES because he voted to raise your taxes 10 times to help public education."

Who should the tax dollars go to?

Mr. NICKLES. The Senator is exactly right. My point is that is just open for abuse. It is an invitation for abuse. You could have a group say, "I think you should vote for the Senator from X, Y, or Z State. This is a great Senator. He has voted for every tax increase in America. He has voted to give pay raises, and we think he should be reelected." Of course, that is going to hurt his reelection effort. Then the taxpayer is going to have to subsidize the other person's opponent. That is very possible under the legislation we are looking at. There is no limit to how much it could cost.

Mr. MCCONNELL. How about this one? Maybe we are just getting a little punchy here late at night. How about, "Vote for Candidate Jones. He will stand up for the right of dead beat dads."

Mr. NICKLES. I do not doubt it. You mention people being creative. We both have seen a lot of creative ads. The Senator from Kentucky has had some creative ads at various times. But I am amazed at how open this particular procedure would be. I am amazed that the sponsors of this legislation can say that it is voluntary. Maybe to be a little bit serious, I do not think we should

mislead the American people. And for anyone to say this bill has voluntary participation is misleading the American people.

It reminds me of the health care bill that we had before us earlier this year; actually just last month. Senator MITCHELL had actually three proposals, "Mitchell I", "Mitchell II," "Mitchell III." And I heard people say it does not have employer mandates in it, at least not initially. It is voluntary. So people can participate in it or not. We started reading the bill. We found there is a little section, if you do not offer the standard benefit package, an employer would be subjected to a fine of $10,000 per employee. That is not very voluntary. But yet the sponsors of the legislation says it is voluntary. That is just about the way this bill is.

I will give you another example. I will use my State. I do not want to participate. I will tell you steadfastly that I have no interest whatsoever in participating in a public financing scheme to finance my campaign. I think that is wrong. I will oppose it energetically. But if this bill passed and I still decide I do not want to participate in my State of Oklahoma, the general election limit is $1.27 million. Our State is probably about average. I notice in the State of Kentucky it is a little more, $1.3 million. This is for 1996. This is adjusted for inflation.

If I decide not to participate and my opponent does, I go ahead. My races have cost maybe up to $3 million. That is a lot of money. I do not make any bones about it. That is about what it has been. I notice the Governor had a race this last year. He spent about the same amount. I do not know how evil that is. Some people want to say that is very evil. I think it is less evil than having the taxpayers subsidize campaigns. But if I do not participate, my opponent, if I spend more than $1.2 million, is going to get $1.2 million of taxpayers' money. And he will be able to go down to the broadcasters and say, "I want one-half the rate." If my opponent does not participate, he does not get that half rate. So they can take $1.2 million, turn it into $2.4 million, a gift from Uncle Sam because Uncle Sam is going to say here is the $1.2 million. We are going to penalize somebody for not participating. Then they get a broadcast discount of 50 percent.

That is how this bill works. That is not voluntary. That means if I make an election not to participate, my opponent will get $2.4 million courtesy of this bill, not to mention the subsidies for lower mail and so on—massive subsidies, not to mention an open-ended subsidy for independent expenditures.

There is just no limit on how much this will cost. There is no limit whatsoever. I do not think that is funny. I do not think that is serious, and I do not think it is voluntary. There is nothing voluntary about it whatsoever.

So for the proponents to say this is voluntary, we have little incentives and little sticks for people. This is a gun at your head. They say if you do not participate, we will give your opponent millions of dollars of benefits.

Then I wonder if everybody knew. I would just love this. Again you go back to the people. "Do you favor campaign reform?" They say, "You bet." "Do you favor subsidizing campaigns?" If you ask them, "Do you think it should be voluntary?" they will say yes. You say, "Do you think Uncle Sam should use its force, power to say if you do not participate your opponent will get millions of dollars?" I think a lot of people would be saying, "No way. No. We don't want to do that."

I am also concerned. I will just mention that I kind of see something happening here. I have a feeling maybe I am wrong. Maybe the majority leader and others think this really has to pass this year. I do not doubt the sincerity of my colleague, Senator BOREN, because I know he would like for this thing to pass this year. But the way to wait all year long and then to bring this up with 2 weeks to go makes me think that they know that some of us are steadfast in our opposition and they know we are going to be steadfast in our opposition. They will say, "We will put it up and we will allow Senator MCCONNELL and Senator NICKLES and some of the other people who are really opposed to it to filibuster and after a day, 2, 3, 4, 5, whatever it takes, we are willing to stay as long as it takes." The majority leader will pull it down while the clock is running. "We did not have time to pass this. I regret it. This is the case of the Republicans. They have been obstructionist. They are not cooperating. We will therefore pull the bill down. The Republicans must be succumbing to special interest groups, and therefore it is regrettable but we cannot pass it. Therefore, we need to run against those Republicans."

I see that happening. Maybe I am wrong. I kind of have that feeling that is coming. I do not want to guess the intentions of the President of the United States. We might hear that from him. But I have to think, wait a minute. What is in the bill? I have a feeling we will hear the same thing on health care. At some point mercifully somebody is going to decide to pull the plug on the health care bill. We should. We do not have time to pass a health care bill this year.

My guess is somebody is going to come in and say, "Well, we did not pass a health care bill because all those special interests and contributions they made to those Republicans," probably. The fact is the bill will not stand up to scrutiny. The bill with 1,443 pages. The more people found out about the bill the less they liked it. When they found out the bill would replace the plan they have they are happy with, and they cannot keep it, then they started getting a little concerned. It was not the fact that Harry and Louise was on TV that killed the health care bill. It is the fact that the more and more people learned about it they did not want the bill. When people found out that there was an item in the bill that said you cannot keep your own plan, even if you want it, even if it is a good plan, you cannot keep it, we are going to replace it with a government plan, people became quite upset.

I announced I was going to have an amendment on the health care bill to allow people to keep their own plan. People started scurrying for cover. You are going to make us vote on that? President Clinton in a press conference on August 3 said you can keep your own plan. I held it up on a chart. That was in his quote, in his press conference, in his written statement in his press conference. He said you can keep your own plan. It turned out that was not true. That was not correct. It turned out that if you were self-insured, you could not keep your own plan. If you had less than 500 employees and you were self-insured, you could not keep your own plan.

I have exposed that. I have made that floor speech two or three times trying to let people know. You are going to lose your plan if we pass the Clinton-Mitchell bill. You are going to lose your plan. You cannot keep it if you are self-insured.

We found millions of people self-insured including the companies that I used to manage. Those plans are illegal. Yet President Clinton on August 3 said you can keep your own plan. When we exposed that was not correct, people started to say "Wait a minute. I am not sure we want to pass this plan." That was not the result of somebody writing a correction to DON NICKLES or MITCH MCCONNELL or BOB DOLE. In fact, that was in the bill.

So again, the bill needed a little more scrutiny. Now some people are still saying maybe we can put together a health care bill in the last couple of weeks in Congress, kind of run it through, and we think we will have a consensus, and it is estimated the bill is going to be over 1,000 pages. I do not think so. I do not think we can. I do not think we have the time. I do not think we should do that. I think we are risking doing serious harm and we should make a rule if we pass health care legislation that it would be good health care legislation, bipartisan health care legislation. I do not see that happening in the last 2 weeks of this Congress. I do not think so. I want to read the bill. I want to know what it is.

If we are going to impact the health care of all of our citizens in every State in the Union, we should know what is in the package. I do not see that happening if we try to cram a so-

called package— I do not care if it is called mainstream, or what title is put on it, health care reform for all Americans or lower cost health care, you name it. I do not think we can do it in 2 weeks. Maybe that is regrettable. I know a lot of people have worked hard.

I know Senator MITCHELL would like to pass a health care bill before he leaves. I would like to give him a nice retirement gift. But I do not want to do something that will injure a quality health care system that we have today, nor do we want to pass legislation that would drive up the cost of health care premiums for countless Americans.

I noticed in looking at the health care plan that Senator MITCHELL—and just in looking at my own familiar circumstance, my daughter who is 22 years old purchased insurance through her college. She is getting a master's degree at the University of Oklahoma. She purchased health insurance for about $500 per year. Under Senator MITCHELL's bill the cost, because of the community rating he has—most people do not understand—that cost takes out the age differential and would cost over $2,000. Actually $2,200 was the estimate that CBO used. The health care plan that our employees have costs about $2,400 per year. I say "our employees." I am talking about Nickles Machine Corp.

Yet, the health care plan that Senator MITCHELL introduced and Senator KENNEDY introduced is estimated to cost about $6,000 per family. Wait a minute. Where is that money coming from?

So my point being that health care bill is not caused by special interest contributions killing the bill. What killed the health care bill was people found out what was in it. Then the more they found out the less they liked the bill.

When you started talking about cost, when you started talking about choices, when you started talking about can you keep your own plan, if you have a cafeteria plan that has health care, you cannot keep it; self-insured plan, you cannot keep it. When people found out these kinds of facts they started saying, "We don't want the health care bill to pass. It should not pass. This is going to take health care away from me or it is going to make me pay twice as much as we are paying today."

That is the reason why the health care bill is not passing. And really for the same reason this campaign bill will not pass. Maybe it will not pass because there are some of us who are pretty strident in our opposition. But if the American people find out what is in this bill, they will not want it to pass. They do not want millions of dollars of subsidies for individual Senators. If they find out that Senators are able to get broadcast time—and I am talking about broadcast time. Most people think that is NBC and ABC. Well, you are talking about TV stations. You are also talking about radio stations. I know originally, when it was introduced, it applied to radio stations. I know some people were talking about exempting radio stations because of some of the heat that was generated.

We are talking about giving discounts for politicians, but we are really talking about politicians as being Congressmen and Senators. What about county commissioners? If the broadcasters have to give discounts at one-half the rate they give anybody else to Congressmen and Senators, what are they going to do for county commissioners?

My guess is if they have to give it to Congressmen and Senators, who can afford probably more expensive campaigns, they are going to have to give it to a State senator; they are going to give it to a county official; they are going to have to give to a city councilman. They are going to have to give to anybody and everybody. They are going to have to be fair.

As a matter of fact, if they are going to give it to them, what about the charity that says, well, we are having our annual fundraiser to raise money for homeless children? No, sorry, we have to charge you twice as much as we charge politicians.

Be real. Yet that is what is in this bill. What about mailing? Why in the world should—when most people mail, they pay 29 cents. This allows politicians to mail at less than third class. So everybody else in the country is mailing at 29 cents. This bill says we are going to give a big discount even off third class mailing, a big discount. And guess what? Congress is supposed to appropriate money to take care of that subsidy. We are supposed to appropriate it to the Post Office.

Guess what if we do not? All the other ratepayers, all the other postal payers have to make up that subsidy. So their postal rates will go to help subsidize us so we get to mail at cheaper rates.

Thank you all very much to all the people who are mailing throughout the country because your postal rates are going up to help subsidize campaigns and probably help people get a lot of mail they may not even want. Not everybody wants all the campaign mail they might receive.

So the subsidies are massive, Mr. President. This bill is not voluntary. It may be well-intentioned. It started out I think in all honesty with the greatest and highest goals and expectations by my colleague and others. But that is not the bill that we have before us.

And then some people would say, kind of like let my people go. Well, let us let this go to conference and then let us just see if we can make a positive difference. How does it go to conference and get better? The Senate, because of concern about subsidies, did strike out the vouchers. That is in the House bill. So that is a conference item. And we happen to know that the sponsor of the legislation, the Democrat group that came up with this legislation wanted vouchers in it. It is in the House bill. They want it in the House bill. So we are going to be having vouchers, which is food stamps for politicians. We are going to give you so much money for participating. Both sides have big discounts, one-half of the rate to broadcasters, or I mean politicians pay one-half the rate to broadcasters. So that is not really an item in disagreement. It will be in the final package.

So you have massive subsidies. That is a massive subsidy the Senator from Idaho mentioned. Wow. Broadcasters, you have to offer one-half the rate to politicians. That is going to be in the final bill.

Both bills have lower mail rates for participating politicians. So that is a lot cheaper for us. So there is no question this bill is going to be, for most of us who do not want public financing the bill that comes out of conference is going to be a bad bill. So strategically we are saying let us oppose it now. Why waste the time? Why waste the time to go through this effort and have a bad bill? And people say, well, it is a conference report. You cannot even amend that now. Why not kill it now. Why not have the majority leader listen to us when we say we are not going to let this pass; it is a bad bill. It is laden with subsidies. So let us move to something else. Let us pass the appropriations bills. Let us do the business we have to do and go home.

Instead, we are here 12:35 at night debating a bill the taxpayers do not want, that our country can ill-afford, that would be starting a brand-new entitlement program. Mr. President, I do not think that makes any sense.

Mr. President, what can we do? If the authors of this legislation want to come up and say let us work with the Democrats and Republicans in a bipartisan fashion, I think a lot of us would be willing to listen, say what can we agree upon. If you want to limit PAC's to $1,000 per person, it would pass in a minute. If you want to do that, we can do it. But if you want to have a tax on free speech, which is in this legislation, it is not going to happen.

Right now we say, well, if you spend more than the so-called general election limit, in the general election, there is going to be a tax equal to the corporate rate on that excessive amount, a 34-percent tax or something like that. That is not constitutional but it is also not right. You are telling people if they want to participate in a Senator's campaign, they want to write a check for $100, you are going to say, no, we are going to a take a third of that, a fourth of it or something.

That is not right and that is not going to happen.

That is a serious mistake. If you want to say let us limit PAC's; can we agree on this in a bipartisan fashion? Yes.

Why did the conferees not get together? Why did they decide not to meet 10 months ago? Because the Democrats in both the House and Senate could not concur on whether or not we should restrict PAC's. Reports in the press for the last several months say, well, the House wants no restriction. The Senate wants some restriction. The reason why the Senate Democrats want restriction is because the House, or the Senate Republicans insisted upon it. So they agreed to our position to strike PAC's, or reduce them down to $1,000, the same amount that we have for individuals. That is not in the House bill.

So right now you have two different bills. The House says, oh, we want more PAC money. We want to have $5,000; we can continue receiving money. I think you could probably pass something that said, well, people have to raise the majority of their money at least in their home State or district or maybe raise three-fourths of their money in their home State or district. I think that would be a good-government amendment. I certainly would support it. Some people might contest it. Some people think that is wrong. I know we have in particular some House Members, maybe some Senators—I have not looked at the figure lately—maybe raise the majority of their money in Washington, DC, and do not go home to their States. We can change that. We can say you have to raise the major amounts of money in your home State or district, or 75 percent or whatever that figure would be. That would be fine.

I think we could pass legitimate reform. But I do not think that the solution is massive public funding of campaigns.

We could pass legislation that would restrict bundling. We could pass legislation that would regulate party soft money, or restrict special interest soft money. We could restrict the so-called millionaire's loophole. Right now a millionaire can put in any amount they want and somebody else cannot. You could say, well, if you have a millionaire who is going to put in a million dollars in their campaign and everybody else is limited to $1,000, you can say, well, if you have that, we will take the limit off. If you have somebody going to spend above a certain amount, well, we will let other people spend more to maybe equalize it. That is a possibility.

You can do the same thing for independent expenditures. If there is an independent expenditure and somebody is coming in and going to spend several hundred dollars to defeat the Senator from Florida, you can say, well, if somebody does that, well, they have to report it. And when they do report it, we can take the individual limits off or raise the individual limits so a person could raise at least a like amount. And you do not have to get the taxpayers involved. You do not have to have to write a check as now in S. 3.

Right now, in S. 3, if you have an independent expenditure a taxpayer is going to come in and match the difference. That does not make any sense. So it leaves taxpayers basically giving a credit card and saying charge it, use it, abuse it. The Senator from Kentucky used a little bit of humor, but it showed how easy it would be to abuse.

And I did not even mention third-party candidates who would also be eligible to receive massive subsidies, and would they not, though. They would have a lot of people lining up for subsidies, and they would be joining the fray. Maybe some people think that is good, but they would not be running for office; they would be running for dollars. They would not be running to win an office. They would be running to get Federal dollars to make their point. We have that happening right now on the Presidential side, where we have a lot of candidates who are jumping in not because they have any chance whatsoever to get involved and win a race but they have a message that they want to send and they appreciate the taxpayers helping to pay for it.

To give you an example, in the Presidential, Lyndon LaRouche has collected $2 million in tax dollars as a Presidential candidate in elections since 1976. He was recently paroled, and the FEC has certified $568,435 in matching funds for the 1992 campaign. Mr. LaRouche ran from prison, yet he was still certified for $568,000.

Ms. Fulani of the New Alliance Party has received over $3.5 million in matching funds as a candidate in the last three Presidential campaigns. In 1992, Ms. Fulani received $2 million in matching funds and was the first candidate to qualify that cycle. In 1992, John Hagland of the Natural Law Party received $353,000, and Larry Agron received $269,000—people who are running not for President. They are running for campaign dollars so they can send a signal, so they can get their message out, and they want to do it at taxpayers' expense.

Mr. President, if we pass this bill, you are going to have more candidates running for office, and they are going to be able to because they want to send a message, they want to send a signal, they want taxpayer funding of campaigns.

Mr. President, we can pass legislation to restrict gerrymandering. We can pass legislation that would restrict the abuse of franked mail during election cycles. We can pass some good legislation. But we need to do it in a bipartisan fashion.

I might mention this last 15 months when conferees could have been appointed, frankly, should have been appointed and would have been appointed in any normal cycle, they were not appointed because the Democrats who are primary negotiators on this issue wanted to negotiate a deal. And I might mention no Republicans, not one, that I know of—I believe no Republicans were involved in any way in those negotiations. So this has been an effort to craft a partisan package.

I know some of my colleagues say, "Oh, I don't want a partisan package." That is what we have. That is the reason why Republicans are objecting to it. We are objecting to it because of the substance, because the result is massive taxpayer subsidies and we philosophically are opposed to that.

Drop all public financing provisions of this bill, drop the tax on free speech, and then let us work on something we can pass. I think that would make sense. Let us do something worthwhile. But right now, if you look at S. 3 and you look at the House bill, there is no way, there is nothing common, there is nothing good that would come out of those bills.

It kind of reminds me of the health care bill. Somebody said, well, let us amend it. Let us fix it. Senator MITCHELL's bill was 1,443 pages.

Mr. President, I did not have one lobbyist—this is interesting because it keeps going back. I just had this sense that when the health care bill was going to be declared finally dead, they were going to say, well, the special interest groups killed it. I do not know one lobbyist who came to me and said, "Hey, I wish you would offer this amendment." It was my amendment that said I wish to protect everybody's right to keep their own health care plan. Some people said that if that amendment passed, it would have killed the bill. It may have because it would have killed this defined benefit which is kind of the core of some of these pages.

That did not come from any lobbyist. That came from me. No lobbyist told me to offer the amendment to kill the $10,000 fine if you did not have the Government standard benefit package. We found it when we read the bill, and we said what is that doing in there? No lobbyist brought that to my attention. No lobbyist brought to our attention that somebody in Senator MITCHELL's bill did not even have to pay premiums and they could not be canceled. We found that in the package. That was not brought to anybody's attention I know of from a lobbyist. We found it.

Other Senators reading the bill—several of us divided up the bill and started reading it, and the more we read it the more we disliked it and the more we found out it would not work. That

was not special interest. That was Senators and their staffs doing some homework. That is what killed that bill.

This bill likewise, if people had a chance to read it and find out that it is so laden with subsidies and regulations and the fact that the FEC would just have to be multiplied in power and enforcement to carry this thing out, I think they would be appalled. I think there is no way in the world that they would allow this bill to pass. And so maybe that is the reason why we are obligated to be here in the middle of the night, maybe all night long to oppose this package.

Mr. President, the total amount of money that we are talking about as far as subsidies—I have mentioned it in some cases, but I will tell you the Republican Policy Committee, which I happen to be chairman of, estimates the cost of this bill in the hundreds of millions of dollars per cycle—hundreds of millions of dollars. So we are not talking about chicken feed.

I have been talking about individual States because I think it is easier for people to comprehend, but we are talking about hundreds of millions of dollars. And if you look at the Senate cycle as such, when you go through the entire Senate cycle, the full 6-year cycle, you are probably talking about $1 billion-plus. You add all the broadcast subsidies, taxpayer subsidies because people do not comply, because they have to match the excessive funds, communication vouchers if they are put in because they were in the House bill and they are in the Senate, you add these together and you are talking about hundreds of millions of dollars of subsidies.

I think that is unfortunate.

Finally, Mr. President, I also want to touch this for a second, on the influence of special interest. Again, I am kind of amused when somebody wants to come up and say health care was killed because of special interest or campaign reform was killed because of special interest, or campaign reform was killed because of special interest, lobbying, whatever. I see a lot of special interest legislation, and I see a lot of special interest involved in this legislation, some of which is kind of shocking and some of which—I do not know—some of which is just amazing to see that it has power to the degree it does.

I am talking about even impacting foreign policy. I recently read that there are individuals who are involved in representing the Haitian Government that are receiving hundreds of thousands of dollars from the Haitian Government. I say the Haitian Government, I am talking about Mr. Aristide in exile.

Mr. President, I have let it be known that I oppose the military occupation of Haiti, and I made two or three speeches opposing a military invasion of Haiti, and we have had a military invasion of Haiti. I am very pleased that it was one that was not hostilely received, at least to date. I am pleased, at least to date, that we have had no loss of American lives.

But you have to look at how we got in this position. We are pleased that it did not explode and we did not have Americans lose their lives, but we still now are in the process of putting 15,000 Americans in to occupy Haiti.

How did we get there? And what is happening? Mr. President, I tell you, I do not get bothered too much by different things I read, but when I read in the Wall Street Journal on June 16, 1994 from Port-au-Prince to Gucci gulch that lobbyists, paid by Mr. Aristide, received hundreds of thousands of dollars in just a few months, their basic retainer was $55,000 a month, that bothered me. Then when I see we basically have adopted what they were asking for as our policy and risking U.S. lives to implement that policy, that bothers me. It bothers me from a lot of standpoints.

Talk about a lobbying bill or talk about influence and special interest, is this a special interest? We have been risking American lives to put Mr. Aristide back in power. I do not think Mr. Aristide is a democrat in the sense of a George Washington, Abraham Lincoln, Thomas Jefferson, or a Democrat in our sense. I have read some of his speeches that were just a couple, 3 years old—1990, 1991—that were very much against democracy, that were even opposing elections.

I have also read his speeches where he is advocating murdering his opponents, talking about necklacing his opponents, where you put a tire around somebody's neck, fill it with gasoline, and set it on fire. I do not see that as a kind of democrat that I want to reinstate in power. That speech was made in 1991.

So why are we following this type of policy? Was it politics? Was it because of the lobbying firm that Mr. Aristide has been spending hundreds of thousands of dollars, maybe millions of dollars to influence American policy, the fact he has employed a former Congressman to be involved in this, has close connections with the White House—why have we adopted this as our policy? Why are we risking thousands of lives to put Mr. Aristide back in power when he has such an atrocious human rights record of his own? That bothers me. And it bothers me a lot. Yet now we are occupying Haiti. I know some people are doing high-fives: "Hey, the invasion went forward. We didn't lose lives. Isn't it great?" Now what do we have? We have the United States occupation of Haiti.

Then I hear people say we see rioting over there, we are going to stop that because we control Haiti. Do we really want to control Haiti? Does that mean that we have Haiti's problems? If Haiti has a police problem, that is now a United States problem? We have kind of assumed their problem? I question the wisdom of that. How long are we even going to be there to solve that problem? They had a riot a couple of days ago. The President said he is very bothered by it. I hated to see it. Somebody was clubbed. It was done right in front of us. It is a terrible thing, so we are going to stop that now. Are we going to stop that 10 years from now? Are we going to stop that 20 years from now? I just question that.

And I question, wait a minute, how did we get there? I read David Broder's article where he talks about using a little analogy. He said it is like somebody being on the sixth floor of a window and they jump and the firemen are there and they catch the individual and the safety net works and the individual is not harmed. So there is celebration: "Hey, this is great. The individual was in jeopardy, we saved him and everything is great."

But then after the individual is safe, you have to start asking the question, wait a minute, why was that individual there? You start shaking the individual: What in the world were you doing on the ledge? Why did you put yourself in such a precarious position?

Why have we put 15,000 American troops in such a precarious position to implement this so-called Haitian policy, which has vacillated from day one? Why should we risk those lives to put Mr. Aristide back in power? Mr. Aristide is not worth the life of one U.S. soldier, and yet we are risking lives of countless U.S. soldiers to put him back in power.

Then I see that Mr. Aristide, while he is in exile in the United States living high on the hog in New York and Washington, DC, is giving lobbyists thousands, hundreds of thousands of dollars, and yet Haiti is the poorest country in this hemisphere and people are hungry and people are starving and people are in a deplorable situation. The economy of Haiti is pathetic. Yet, he is spending $55,000 a month?

This firm, I think, in one 3-month period of time received something like $300,000. At least that is the report. Maybe this is incorrect. According to this report—I will just read it: "$303,000 for billings between September 29 and December 7 of 1993." That is only 2½ months, $300,000. That is a pretty good billing rate. Sounds to me like Mr. Aristide and some of his cohorts and friends are ripping off the Haitian people, spending their money over in the United States.

I wonder if some of those moneys end up in political campaigns? I do not know, but it is absurd to think that we have adopted Mr. Aristide's political policy and maybe that of this lobbying firm and maybe that of Mr. Robinson and maybe that of the Black Caucus

and risk American lives to implement it.

Are American interests at stake? We have an interest. Is our national interest in jeopardy? Are the lives of the American people at risk because of the Haitian actions? I do not think so. Are there American lives in Haiti, are they at risk? I do not think so. As a matter of fact, they are probably put at greater risk because we were contemplating and moving forward with an invasion than there would be if there is no invasion.

There is no national security risk. This was not Grenada. This was not Panama. At least in Grenada we had the Cubans who were building an airfield, who were risking the lives of United Students students, who had murdered the leader in Grenada, and it was important to move and move quickly. We did it, the job was done and we were out.

In Panama, likewise, we had some national security interests and Mr. Noriega was doing a lot of things, plus we also had the Panama Canal which is very much a strategic national interest.

But in Haiti, the President said, "Well, we want to stem the flow of drugs." We have more drugs coming from the Bahamas and other countries than from Haiti. We want to stem the flow of the migrants coming from Haiti to the United States. That is primarily because the President has tightened the economic sanctions, which should be lifted, hurting the Haitian people a lot more than it has hurt the generals.

Then the President made a national televised speech to kind of whip up this hysteria, why we can justify this invasion, called Mr. Cedras and his cohorts murderous people who have plundered the country and responsible for raping the women and so on. And yet 2 days later we are talking about a partner in managing the country. I think, wait a minute, how could this be our policy?

And I keep going back to this article. Mr. Aristide spent hundreds of thousands of dollars, and I think he has been pretty successful in really getting the administration to adopt their line. Is this something that maybe should be covered in this campaign bill? Where is the money coming from? How did that influence our policy?

Mr. President, instead, no, we are talking about how can we subsidize campaigns. We are not talking about serious things, we are talking about how can we subsidize campaigns. We are not doing our business. We are not passing appropriations bills.

We have a Department of Defense appropriations bill that we really need to consider, that some of us want to talk about because that bill is going to come out and we are going to find out we are not buying any more planes, we are not buying any more tanks, we are not buying any more ships—a couple of ships. The number of ships has gone from 546 in the Navy a couple years ago to 346 in the next couple of years. That is the result of this 5-year plan the administration is trying to put forward.

It is an acceleration of the reduction of defense, dramatically, as proposed by President Bush and Secretary Cheney. I think we should talk about that. I think we should talk about the multinational commitments that we continue to make and the President is trying to make in Haiti and also in Yugoslavia, in Somalia, Rwanda and all these other places where we want to basically assign United States responsibility over multinational forces, to where the President gets a U.N. resolution to carry out an invasion of Haiti but cannot get a resolution through the United States Congress. I think we should talk about some things that are really current, really important.

No, we are talking about how we can subsidize campaigns. We are talking about how much more money we can have the taxpayers pay for Congressmen and Senators so they can get reelected. I find that to be absurd.

We have an Entitlements Commission that says we want to limit the growth of entitlements. Some of these are exploding, and yet we are trying to create a new one for politicians, entitlements for politicians. Food stamps for politicians? No, it is too kind of a term. You have to have income eligibility. This one you can be a multimillionaire candidate and can still get massive subsidies from Uncle Sam to help pay for your campaign. I find that to be absurd.

No, entitlements are growing as a percentage of our national budget and we want to start a brandnew one to make sure politicians are cut in on the deal. I find that to be absurd. I find it to be absurd that we are going to be taking up a bill where conferees were not appointed for 10 months, and now we are going to try to appoint them in the last 2 weeks and craft out a deal and run it through at the midnight hour and pass it. Mr. President, some of us just are not willing to let that happen. Some of us are willing to use procedural techniques that we have under the rules of the Senate to make sure we do not pass bad legislation. If it is a health care bill or if it is a campaign bill or if it is another bill where it is going to be passing really bad legislation, that is one of the reasons why we have unlimited debate in the Senate.

So I compliment the Senator from Kentucky. He has shown great courage, and I will tell you, it has not been easy. It is not easy to stand up on the floor and be willing to say, "Hey, I will stay here all night if necessary." He has been willing to do it. I think the taxpayers of this country owe Senator MCCONNELL a great deal of gratitude because he has been willing to say we are not going to have taxpayers subsidizing campaigns.

We do not want it. Republicans do not want it. So if people want to say, is this a partisan issue? Yes, it is. Republicans are almost unanimous, I believe almost totally unanimous against having taxpayers subsidize campaigns, and the bill that we have before us and the House bill that we have that would both go to conference have massive, massive taxpayer subsidies, and we do not want it.

So we will use what procedural techniques that we have available under the rules of the Senate to make sure it does not happen. The majority leader has to recognize when we say we are serious about not letting this bill pass that we are serious. If he wants to go through the charade of making us enforce it, we are willing to do that. Hopefully he will recognize when we say we are serious, we are serious.

So I compliment the Senator from Kentucky for his tenacity, his courage, for his conviction, for his willingness, because the taxpayers owe you, particularly, a great debt of gratitude. I think by your efforts we have been able to stop a bill that would rip the taxpayers off and, for that, I just say thank you for your leadership.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Before the Senator from Oklahoma leaves the floor, I was listening to him for awhile here and then in the cloakroom. I was thinking about some of these battles we have had before. I know he was here consistently in a stalwart fashion every step of the way. I was thinking of 1988 when there were 8 cloture votes and people were being arrested and hauled to the floor. I was listening to the Senator finish up there.

They have had a hard time figuring out we do not like this bill. Maybe, here, after all these years, we are going to be able to finally make the point that this is not going to pass.

The Senator from Oklahoma, very skillfully, I thought, outlined once again the outrage the public feels about this. Obviously we are going to kill this bill. We are trying to kill this bill. We intend to kill this bill. We make no apologies for stopping bad legislation. The Senator from Oklahoma pointed out, in addition, extended debate of this subject is useful. We watched what happened as we discussed health care for a year and everybody learned a lot about it, including ourselves. Things that I thought at the beginning of the year I did not think at the end of the year. Certainly the public went through different phases in the course of that debate.

What we have not had, I think, in this area—particularly for the last year or so—is a good debate so the

American people could understand that this Congress in the 11th hour is thinking of setting up a new entitlement program at their expense to pay for our political campaigns. I think the public needs to understand that and we are going to make sure they do understand it.

I really appreciate the Senator from Oklahoma at every step along the way in this long, 7-year fight to try to finally drive a stake through the heart of this goofy proposal. I really want to thank the Senator from Oklahoma for always being here, always being articulate, and right on the mark. This time, of course, he had to do it in the middle of the night. So I really want to thank him.

Mr. President, I see the Senator from Utah is here and wide awake. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I am here. I will not certify to the wide awake, but I will admit to being here and ready to go. I was interested to hear my friend from Oklahoma talk in the vein he did because I find I am in the same vein, at least with respect to the basic question of why we are here and why we are doing this.

The answer goes back to a reference in the press, where someone speculated about what the President would do with respect to the defeat of his health care proposal. According to this journalist, the President's response would be to push for congressional reform and campaign reform and then give, as his rationale for that, his conviction that it was the special interests that had killed health care. In other words, the reason we are here debating a bill that passed the Senate 15 months ago, and the House 10 months ago, and then has been available for conference ever since, is that the President has suddenly discovered an excuse that he can use for the failure of the democratically-controlled Congress to give him his health care proposal.

Like the Senator from Oklahoma, I applaud the Congress for its failure to give the President his health care proposal. I opposed it. I have spoken about it many times. I will not take the time or opportunity now to outline all of the reasons for my opposition because, as I say, the country now knows that a majority of the Congress in both Houses agrees with that opposition.

But we are here because, as I say, someone in the White House, some spin doctor has decided that resurrecting the campaign reform bill will somehow get the public's mind off of the health care issue and at the same time give the President two for one. It will push a bill that is basically an incumbent protection act, and since most of the incumbents in Congress are members of the President's own party, an incumbent protection act makes a whole lot of political sense. So that is why we are here. We have an opportunity to accomplish two purposes with one bill. As I say, No. 1 we get people's minds off why the health care bill did not succeed and, No. 2, we push an incumbent protection bill. What can be better than a two-for-one deal?

The Republicans have decided they do not want to let that happen and so we are here, opposing this even to the point of an all night session.

I want to talk about the first of these two, that is that we are here to get people's minds off why health care was defeated and make the point again, as the Senator from Oklahoma made, that health care was not defeated because of special interests. Rather than give you my brilliant reasoning on this, because at this hour it might not be that brilliant, I will read an article that appeared in the Wall Street Journal on Thursday, September 22, by Michael Rothschild. He is President of the Bionomics Institute in San Francisco. And he addresses this issue, of why the health care proposal by the President did not make it. Quoting, now, from the article he says:

One year after President Clinton unveiled his health care plan to the nation, that plan—along with the slew of compromise versions it spawned—is dead and gone. But the blame game is just starting. Extreme partisanship, special-interest lobbying, Rush Limbaugh, negative advertising, administration bumbling, Whitewater, and the public's cynicism about Washington top the list of common excuses.

But excuses are not explanations. Pinning the defeat on "Harry and Louise" or any other tactic is an act of self-delusion. With initial public support well above 60%, nonstop campaigning by Hillary Clinton, control of Congress, and overwhelming support from the national media, the president should have been able to pass any reasonable health care bill. But what is reasonable inside Washington is no longer reasonable to the American people.

Oozing elitism, Beltway cognoscenti would have us believe that the American people were confused by campaign-style rhetoric and never understood the Clinton plan. But as the town meetings, newspaper analyses, talk shows and congressional debates wore on, the American people figured out this much: Though Mr. Clinton promised a "simple" plan that would guarantee choice along with security, he delivered a numbingly complicated 1,342 page plan that put another 14% of the economy under the control of federal bureaucrats.

OLD CONCEPTS

This approach to social reform—widely accepted just 25 years ago—no longer makes sense to an American public whose daily lives have been radically transformed by the first decades of the Information Age. Top-down social engineering by Washington's central planners is now intuitively rejected as an anachronism, a hopelessly inefficient throwback to the bygone era of the Machine Age.

Though camouflaged as state-of-the art social policy for an America entering the hyper-competitive 21st-century global economy, the Clinton plan merely extended concepts first enacted under Franklin Roosevelt in the 1930s. Consider Mr. Clinton's remarks to die-hard supporters greeting the health care bus tour in Independence, Mo., just days before the plan's final demise. "Sixty years ago this fight started," he said. "Fifty years ago, Truman tried it three times and failed. Twenty-nine years ago, President Johnson signed Medicare into law. . . . We're halfway home and we can go all the way."

Need it be said that today's economy is unrecognizably different from Lyndon Johnson's '60s, not to mention the '40s or '30s? Back then, no one doubted that economic power would become ever more concentrated in massive, centralized hierarchies—from IBM and Sears to Washington and Moscow. Advanced technology meant bigger mainframes and more power for the bureaucracies that controlled them. The most optimistic outcome of the Cold War anyone could predict was a concordant between big capitalism and big socialism. Command-and-control hierarchies ruled the earth and put men on the moon.

Then, in 1971, just two years after Apollo 11 reached Tranquility Bay, three young engineers at an unknown California start-up named. Intel invented the micro-processor and changed the world. By 1982, the computer-on-a-chip began showing up on desktops across America.

Mr. BOREN. Mr. President, I call for the regular order of debate.

Mr. BENNETT. Mr. President, I think I have the floor.

The PRESIDING OFFICER. The Senator is correct. The Senator from Oklahoma is correct. The Senator from Utah is required to speak on the business currently before the Senate.

Mr. BENNETT. Mr. President, the Senator from Oklahoma may not have been here when I introduced this particular topic. One of the reasons we are debating this topic, in my opinion, according to press reports is that the President is seeking a diversion from the failure of his health care proposal. And I am making the point that the failure of his health care proposal does not spring from the existence of undue pressure on Members of Congress by virtue of campaign reform. When I have finished making that point I will, indeed, return to my second point that I made in my introduction which was that this campaign reform bill is an incumbent protection bill.

So I simply intend to finish reading this editorial and then will go forward with the point I am making. But it is germane to the issue before us.

Mr. McCONNELL. Will the Senator yield for just an observation?

Mr. BENNETT. I will yield to the Senator from Kentucky for an observation.

Mr. McCONNELL. I have been here all day listening to the debate. The occupant of the chair has only been here for the last couple hours. There has been much discussion during the course of the debate today about how this issue fits in with the other issues as we go forward to the conclusion of this session. And, so, the observations of the Senator from Utah are not at all out of line with many that I have heard

throughout the afternoon, to which no objection has been made.

Mr. BENNETT. Mr. President, I will as I stated, finish reading this editorial and then, as I said, return to my basic point about the bill before us. But I think the editorial is germane because, as I say, it makes the point that the loss of the health care bill is not due to improper pressures on Congress that could be fixed by this bill.

With that understanding, I go back to the editorial:

By 1982, the computer-on-a-chip began showing up on desktops across America. From that moment on, real decision-making power began shifting from MIS directors to midnight hackers, from headquarters staffers to factory managers, from big-time CEOs to no-name entrepreneurs. Apple Computer's famous "1984" TV ad captured the spirit of this historical watershed.

Over the past decade, relentless competitive pressure from Japan and Southeast Asia's Tigers compelled all but the most brain-dead U.S. companies to reinvent themselves. Using PCs, faxes, voicemail, e-mail, local area networks, cellular phones and satellite uplinks, they slashed costs, cut cycle time, boosted quality and accelerated responsiveness.

To make it all work, centralized hierarchies were flattened into decentralized, horizontal networks where people stopped taking orders from bosses and started taking responsibility for results. And while the big firms downsized, an entrepreneurial army of Fortune 500 refugees—several million strong—launched their own small firms using the same microprocessor-based tools. Mikhail Gorbachev preached economic restructuring, while America practiced real perestroika.

Almost overnight, what had once been the world's premier Machine Age economy became the world's first Information Age economy. The significance of this metamorphosis is only now being appreciated. Just this month, the world Economic Forum made official what many in the business community intuitively knew—the U.S. is once again the world's most competitive economy.

From a policy-making standpoint, this transformation created an American economy vastly more complex than it used to be. Indeed, an information Age economy is more like an evolving ecosystem than a predictable "economic engine." Like an ecosystem, an Information Age economy is far too complex to be designed. It must evolve spontaneously. Who planned the rainforest? Who planned the personal computer industry? In both market economies and natural ecosystems, "unmanaged" competition and continuous adaptation yield bewilderingly complex, yet enormously productive, living systems.

How did America's epochal transformation from a Machine Age to an Information Age economy affect the Clinton approach to health care reform? Apparently, not at all. The plan drafted by Hillary Clinton and Ira Magaziner, coordinator of Mrs. Clinton's Health Care Task Force, reflects classic Machine Age thinking: Centralize decisions through monopoly power, ensure stability through tight controls, insist on a "one size fits all" standard, and allow no room for local innovation. Plan everything out in advance—to the last nit-picking detail.

Newly released secret task force documents show that Hillary and Ira only feigned interest in proposals offered by the public, Congress, and even administration officials. They had already made the crucial design decisions. This should come as no surprise. A complicated machine can't be designed by a democracy. To ensure that its parts will mesh, you hire the best engineer you can find, give him plenty of resources, let him work in secret, and announce the product when it's ready.

I worked with Ira Magaziner years ago at the Boston Consulting Group. Like many others, I can attest to his intelligence, attention to detail, and maniacal work ethic. If you're looking for a social engineer, he's the best there is. But the era of the social engineer ended with the demise of the Machine Age. Ira is a mainframe in an age of networked PCs.

Years after IBM itself abandoned the mainframe ideology. Washington's policy wonks still don't get it. Think back to the opening line of President Clinton's healthcare speech. When he told the country, "This health care system is badly broken and we need to fix it," he revealed his own Machine Age mindset—government as repairman, the engineer that can redesign a busted "market mechanism."

FATAL ERROR

Instead of proposing an elegantly simple, market-based solution like Medical Savings Accounts supplemented with vouchers for the truly needy, Mr. Clinton's Machine Age technocrats believed that if enough really smart, really hard-working, really well-intentioned social engineers—say, 500 health care experts—worked under the right conditions, they'd come up with the ultimate policy contraption. Now, stunned by defeat, they're looking for scapegoats. Watch your back, Ira!

Parenthetically, Mr. President, that, as I have said, is what this is about. We are looking for scapegoats in congressional and campaign reform.

Back to the editorial. There are just two paragraphs left to read:

In the '60s, Bill, Hillary, Ira & Co. dreamed wonderful undergraduate dreams about saving America from the depredations of big capitalism. Their fatal strategic error—the one destroying this presidency along with the health care plan—has been their failure to realize that Machine Age America no longer exists. Liberated by the microprocessor, the rest of us created a new American society, while the Clinton crowd made the long climb to power.

Having learned from two decades of radical economic restructuring, the American people know what it takes to produce world-class results at globally competitive costs. Now they insist that their government perform as well as they do. From personal experience, they know that top-down, command-and-control bureaucracies are obsolete. The pundits may dismiss this hard-nosed realism as ornery cynicism, but the real story is a political/media elite utterly out of touch with the deeper forces remaking America's economy, society and politics.

Mr. President, that is the end of the editorial.

So I make the point, as I indicated at the opening of my statement, that an attempt to get our minds off why health reform died by now putting campaign reform and congressional reform at the top of the list of urgent things this Congress must do is an attempt that will fail. People properly examining the death of the health care plan will understand that it was not for lack of campaign reform that this happened.

Now, let us address specifically the question of campaign reform and why it will not, in fact, produce the results that are advertised for it by those who are pushing this particular bill.

Mr. President, I am a new Member of this body having served here less than 2 years. But I am not new to Washington, a fact that my opponent kept throwing at me during the campaign in Utah when he kept saying, "Bob is not an outsider." And he cited my experience here. My only defense against that attack was to say, "Well, I haven't been there for 18 years. So maybe I have been able to shed some of the taint that comes from being an insider, and by the way, you are an incumbent Congressman; therefore, a little bit more inside than I." But that was the debate that we had on that occasion.

When I was in Washington before, I was involved in campaigns. I was involved in President Nixon's first campaign in 1968. I was asked if I wanted to be involved in a serious way in his campaign in 1972. I declined for a variety of reasons. But the whole question of campaigns and how campaigns are financed is one with which I was very familiar. I remember the outcry that we had in this country when it was discovered that Clement Stone had given Richard Nixon over seven figures in contributions, over $1 million from one campaign contributor to the Presidential campaign of Richard Nixon. That is outrageous people said, that one man, one executive, one rich contributor could have that much influence.

Lest we think that this was confined to the Republicans, there was a young man who had inherited a great deal of money from his grandfather in General Motors stock. I believe his name was Mott, who gave more money to George McGovern. Again, the outcry that one contributor can give seven-figure contributions. What will that contributor demand in return, we were asked? On the floor here in the Senate, people took the floor and spoke from these same desks and attacked the corruption of a system that allowed one contributor to give seven figures, over $1 million, to a campaign. They talked darkly of buying ambassadorships, attacking all of the implications that came from those giant contributions.

What was to be the reform, the campaign contribution reform that would take care of all of this? Well, someone discovered the political action committee, the PAC, and said, "Here is the reform that will solve the problem." I remember it very well. One of my clients when I was conducting my own consulting firm was the Summa Corp., the corporate embodiment, if you will, of

the American industrialist, Howard Hughes. Mr. Hughes was one of those who was attacked for improper political activity because of the size of his contributions. But at Hughes Aircraft Corp., the Hughes company had come up with the answer to these attacks, and it was the Hughes PAC, the political action committee.

This is how it worked. This was, as I say, the model that many people pointed to as the pure and the proper and the right way to finance campaigns. At the Hughes Aircraft Corp., the managers would circulate envelopes and information about the Hughes PAC to all of the employees. They would say, "If you will fill out this form and put in a check, $5, $10, $25, whatever, we will pool your money, your employee money, and deliver it to the candidates of your choice, the people you instruct us to. You can put on your form you want this to go to a Republican, you want this to go to a Democrat. You can put on your form you want this to go to candidate A, candidate B, whatever."

Since almost all of the Hughes employees participated in that, there was a substantial sum of money to be handed out by the Hughes political action committee. And at Hughes Aircraft, candidates for statewide office, Governor, Senator, attorney general, et cetera, would be told on such and such a day our employees will be given half an hour, some other period of time off, if you want to come and make your pitch.

So every state-wide candidate would look forward to the opportunity to go to Hughes Aircraft and give a speech to the employees, at the end of which the employees would fill out the forms, put in their contribution, whatever it was, and then 10 days later, or whatever, the Hughes political action committee would give that candidate a single check representing the sum of those individual contributions.

It could be quite substantial. It could be five figures. It could be six figures. But it was pure money because no one individual put in more than $25 or $30 into his or her envelopes, and the candidate would come to have an opportunity to speak before 1,000 potential voters. It was an essential stop on the road for every single candidate to make in California at the time.

So people said, "Let us take the political action committee concept and let us write it into Federal law. PAC's are the solution to the corruption represented in Clement Stone's seven-figure contribution to Richard Nixon."

What did we learn from that experience after we passed those campaign reform laws in the post-Watergate era? What we learned was that the American people are very inventive when it comes to finding ways around regulations they do not like. Instead of the Hughes Aircraft model being the model for political action committees, we began to get a circumstance where people would create multiple PAC's and get around the regulation that a PAC could only give $5,000 to a candidate. Pretty soon they were saying, "Well, there are two elections involved. There is a primary as well as a general election. So we give $10,000 per cycle if a candidate has a primary opponent."

In Utah, we have a convention as well as a primary, as well as a general election. I have received $15,000 from PAC's because I had an opponent three times. So we can do the cycle three times in Utah. Maybe I should not announce that. In other States they will now start creating a convention to go before the primary to thereby add 50 percent to the availability of PAC money.

But as we debate this issue on the floor now, we are hearing much of the same rhetoric we heard about Clement Stone. Only now the object of the abuse is the PAC which was created as the solution for the previous problem.

As I say, what we have learned from this experience is that the American people are very inventive, and they figure out ways to multiply the impact of the PAC.

So if a special interest group wants to, they will organize PAC A, which will give each candidate $10,000—$5,000 for the primary, $5,000 for the general. Then they will organize PAC B that will give the same candidate $10,000—$5,000 for the primary, $5,000 for the general. If that is not enough, they will create PAC C, and so on.

We have seen the multiplication of PAC's, and we have seen the outcry now that they are buying the Congress and corrupting us all and we must pass this legislation to do something about it.

Pardon me if I am a little bit jaded having lived through the circumstance that created the PAC. I am convinced that if we pass all of this tough legislation that abolishes them, what will we find? The inventive American mind will find ways around this just as they did last time, and we will be having the same debate in another 5 or 10 years or so. I cannot predict in what form that solution will come because I am not that inventive, but I am assured from history that someone will find a way around whatever restrictions we create.

I did discover in my own race the current way around PAC's, at least the way around the bad odor that attaches to PAC's in some areas. I discovered the process of bundling. Bundling did not exist when I was involved in Washington before. So there was a new discovery that came to me as I came back into political activity. I did it because one of my opponents made great political hay out of the fact that he would not accept PAC money. He said, "I am pure. I will not accept special interest money. I will not accept a dime from a single PAC." I thought, boy, that is pretty tough. I am not sure I can do that. I am not sure I can survive without accepting some PAC money. I was here in Washington on a trip from Utah talking to some PAC's, and they explained to me how it is possible to receive very substantial contributions from special interests and still not accept any PAC money. And that was my first introduction to bundling.

Now, Mr. President, on the assumption that there is someone out there who is awake and paying attention and would be interested, I will explain what bundling is as it was explained to me and as it happened in our campaign in Utah. Instead of going to contributors for $5, $10, or $25 contributions in the style of the Hughes Aircraft PAC, the head bundler goes to wealthy individuals and says, "I want $1,000, but do not make out your check to the ABC PAC. Make out your check to candidate ABC."

Well, the donor does not know candidate ABC at all, never heard of him. It does not matter. He trusts the individual who is doing the bundling. And so the donor makes out his check to candidate ABC. And the bundler goes to the next donor and to the next donor, and so on. And pretty soon, again using an example out of my own campaign, my opponent had $50,000 from a particular group but it consisted of 50 $1,000 checks. They had been bundled together and handed to him as if they were a single contribution, but he reported them very properly, very honestly and very openly on his FEC report as 50 $1,000 contributions from 50 individuals.

We wondered why these particular individuals would be supporting my opponent instead of me since not one of them lived in the State of Utah or seemed to have any interest in the State of Utah. So members of my campaign staff started calling them, their names and addresses duly available in the FEC report. In response to the phone call, the individuals would say, "I do not remember anybody by that name," when we would give them the name of my opponent. Then we would say, "Well, you made out a $1,000 check in a campaign contribution to that individual."

And they would say, "Oh, yes. Oh, yes. I remember now." And then they would say that so and so asked them to make their contribution in that fashion rather than in the usual fashion of making out the check to a PAC. And I suddenly realized this is a wonderful, legal way to avoid the $10,000 limit that a PAC has with respect to an individual. This individual, in one stop, in one city walked away with $50,000 from a PAC which, if it had channeled the money through the PAC, could only have given him at that point $5,000 because the second and third point in the cycle had not yet occurred.

I am not criticizing my opponent for doing this. I was delighted for the information that I received following up on his tracks because it was part of my education.

Now, I understand in the bill before us bundling is outlawed, just as PAC's are attacked, and I think that is an appropriate thing. But I also understand that there is one exception to that.

In the bill before us, bundling is outlawed for everyone except Emily's List. What is Emily's List, again, for those who may be watching, may still be suffering from insomnia? Emily's List is a PAC that gives money only to women who are Democrats. In other words, by saying that Emily's List is exempt from the prohibition on bundling, the Congress of the United States is going to say that women candidates who are Democrat also are a privileged class in this society receiving a privilege under the law which men who are Democrats cannot receive, or women who are Republicans cannot receive.

Indeed, one of the leaders of the group involved in Emily's List has publicly stated that the Senator from Texas [Mrs. HUTCHISON] is not an authentic woman because she does not endorse the political goals of Emily's List.

I find that a very interesting kind of comment by a political leader. In our society, we can say whatever we want about political candidates and political officeholders. I would dispute the charge that Senator HUTCHISON is not an authentic woman. But that is the debate that goes on here. But the people who hold that opinion, who say that the Senator from Texas [Mrs. HUTCHISON] is not an authentic woman because she is not a Democrat have under this bill a right that no other PAC, no other group has.

I think that is enormously hypocritical, Mr. President, to say we are going to purge ourselves of the evil nature of bundling and PAC's unless the people who are the beneficiaries of that happen to be women candidates who happen to be Democrats.

Well, this thing is filled with hypocrisy in many other ways, and I think the most serious hypocrisy comes from the debate that went on while it was passing here prior to the time when we started thinking about a conference report when many of my colleagues said this is a bill to level the playing field. By virtue of this campaign reform, we will take away the advantage that an incumbent has. The time has come to do something for the challenger. It reminds me of a line out of the musical that has been revived on Broadway called "Guys and Dolls."

Those of you who are familiar with that musical remember there is a point where one of the characters, Nathan Detroit, is trying to win some money off of another character, Sky Masterson by making him a bet, and Nathan Detroit has previously determined the facts that make it possible for him to know something that Sky Masterson would not know. So he is betting Sky Masterson in what is a sucker bet because Nathan Detroit already knows the outcome. And Sky Masterson, even though it looks like a very logical bet from his point of view, refuses to make it and then gives Nathan Detroit this piece of advice. He said when he was starting out as a gambler, he, Sky Masterson, was given this advice by his father, who said, "Son, somewhere along the road, somebody is going to show you a new deck of cards on which the seal has not been broken. And he is going to offer to bet you that he can make that deck of cards rise up by itself out of the box and squirt cider in your ear." And he said, "Son, do not take this bet because if you do, you are sure to get an earful of cider."

Well, do not take this bet on this bill, Mr. President, because if you do, and you are a challenger and you really think you are going to get a level field, you are going to end up with an earful of cider. This is a bill stacked as firmly as Nathan Detroit's bet against the challenger.

Now, some people would say to me, "Well, then, why are you opposed to it? You are now an incumbent. You should like this bill because it will make your reelection that much easier when the time comes."

That may be true, but I still have the memory of my experience as a challenger, and I think we have to tell the truth about this bill.

By putting spending limits on the challenger as well as the incumbent, it appears to level the playing field. But what it does not explain to the American public that might feel that this is a fair leveling of the playing field is that the incumbent has ways of saving money in a campaign that the challenger can never match, so that if you say we are going to put a limit on the cash expenditures, we are really saying we are going to allow the incumbent to spend his cash or her cash all for media and we are going to force you, the challenger, to spend your cash on other things and the media disparity will clearly tilt in favor of the incumbent.

Let me give you an example again from my own campaign, from my own experience.

Like all of us who run for office, I had the naive belief that everybody in the State of Utah knew who I was, that by announcing for the Senate I would automatically enter the race with people anxious to hear what I had to say and what position I would take.

The first poll that was taken after I announced for the race for the Republican nomination showed the following results. There were four of us in that race. One candidate who was first had 56 percent of the voters supporting him. I was fourth out of the four. I had 3 percent of the voters supporting me, and there was a 4-percent margin of error in the poll. So that statistically you might have argued that I was under water. How in the world am I going to close that gap? Nobody has heard of me.

The same poll showed that the incumbent Congressman from the Second Congressional District in Utah, who was the Democratic nominee, was known to more than 60, 70 percent of the voters in the State. He had been in Congress for 8 years. That meant for 8 years he had had his face on the television. He had had his name in the headlines of the newspapers. He had been to Kiwanis Clubs and Rotary Clubs and Lions Clubs. He had been on plant tours. He had an 8-year head start by virtue of his incumbency.

I do not begrudge him that coverage; that is appropriate coverage for a public official, but it is a very real political fact of life. I have discovered it myself since I have been elected.

While I was a candidate, I would kill for an invitation to a Rotary Club, and I would get invitations to Rotary Clubs in little tiny towns that were having a hard time getting speakers. Now that I am the Senator, I have all the invitations I can handle, and more. When I would hold a town meeting as a candidate, as a challenger, as an unknown, the only way I could get people to come would be to buy their dinner. The largest area of expense in my preconvention FEC filing was for food. And everybody wanted to know why is BOB BENNETT spending all that money for food? Is that not an improper campaign expenditure? Until I pointed out to them that the only way I could get delegates to the convention to come listen to me was to promise them a free dinner.

An incumbent does not have to expend money for dinners to get people to come listen to him. An incumbent has an enormous head start. If I had had to limit my total expenditures as a challenger to a certain dollar amount and my opponent, an incumbent Congressman, had had the same dollar amount, I would have gone up against him having to deduct from my total the cost of all of those dinners, the cost of all of the attempts on my part to in any way come close to the name identification that he had by virtue of his office. So there is one place where in legislation we cannot by dollar figures say we are creating a level playing field between challenger and incumbent.

A second area. As the race went along, by now in my narration I am the Republican nominee, so I am head to head with the Democratic Congressman, who is the Democratic nominee.

He decides that he is going to expose my past, and he holds a press conference in which he announces the nefarious things that I have done in my

past. The press Secretary who wrote his press release was paid for by the Federal taxpayers because he was the Congressman's press secretary.

The apparatus that put together the copies of that press release and distributed it to every newspaper and television station throughout the State of Utah was paid for by the Federal taxpayers, because they were staffers for an incumbent Congressman and an incumbent Congressman was making a press release.

When we rushed to answer those charges with our own statements for the press, the press secretary that wrote that press release was paid for out of campaign funds because I had no other source with which to pay him. The people who went around to the various newspapers and television stations to deliver our answer to his charges were paid for by campaign funds because I had no other place to go for the funds that I used in that circumstance.

Once again, an incumbent has literally a million dollar staff. I come from one of the smallest States in the Union in terms of population. My staff budget is $1.5 million. I have a network of people across the State of Utah. I have offices in the four principal cities in the State of Utah where the population exists, with staffers paid by Federal dollars constantly staying in touch with the constituency. That is legitimate and proper, and I am not suggesting that it should not happen.

But what an enormous political advantage that is, and any challenger to me who would duplicate that network of staffers throughout the State would have to do that out of campaign funds. But if we put a limit on the amount of dollars the challenger can spend, we are saying the money you spend to duplicate or at least try to compete with Senator BENNETT's staff network throughout the State is money you cannot spend on media because there is a cap on the total number of dollars.

Finally, there is the question of soft dollars, money that does not show up on FEC reports but, nonetheless, redounds to the benefit of the candidates.

Many of my colleagues have talked about this in greater length and with greater expertise than I have, so I will pass over it, other than to point it out; that the incumbent has an opportunity for soft dollars that the challenger has a very difficult time matching. Soft dollars being get-out-the-vote campaigns by special interest groups, the kind that say, "OK, we have given you the maximum from our various PAC's, that shows up on your FEC reports. We will now go to our members"—say it is a labor union—"we will go to our union members with an independent mailing, with an independent get-out-the-vote activity." Say it is a group like the National Rifle Association. The National Rifle Association can come into a State and make a mailing to all of its members and endorse a candidate, and that never shows up on the candidate's FEC report. It happened in my State. The National Rifle Association happened to endorse my opponent. There I was with a mailing to some 50,000, 60,000 Utahans saying how wonderful my opponent was. If I were to match that with a mailing to all of those same people, I had to do it out of campaign funds. I did not have access to those soft dollars.

No, if we try to say to the American people that this bill will establish a level playing field between challenger and incumbent, we are squirting cider in their ear, Mr. President. This does not establish a level playing field. This says every dime that the incumbent raises can go to media, where the challenger is faced with all of these other costs. And in the name of establishing parity between challenger and incumbent we are, in fact, putting an enormous burden on the challenger, and this is, in fact, not a campaign reform bill but an incumbent protection bill.

Much has been made during this debate about the issue of public financing, and I want to talk about public financing for a little.

We have heard examples about Lyndon LaRouche drawing $2 million in Federal funds, running a campaign while in jail. I will not repeat all of those. I would go, instead, to another example with which the American people might be a little bit more familiar, although he has now faded from the scene considerably, and that is David Duke. David Duke, you will recall, was a member of the State legislature in Louisiana. He ran for Governor. He ran for the Senate against the distinguished senior Senator from Louisiana, Senator JOHNSTON, who chairs the Energy Committee on which I sit.

This is what I understand the pattern is in a David Duke campaign. If I am wrong, I would be happy to have someone point it out to me and I will apologize to Mr. Duke, but this is what I understand from the published reports about Mr. Duke, and it sets a pattern of what can happen with public financing of campaigns.

In a David Duke campaign, the campaign is run by a political consulting firm that draws a fee for its services out of the campaign contribution pool. That is not unusual. Most people have political consulting firms and they pay the fees out of their contribution pool. What is different about David Duke's campaign is the political consulting firm is owned and managed by David Duke, which means that he takes a percentage of the campaign contributions for himself in the form of salary as the President of his own political consulting firm.

He goes farther than that. The political consulting firm contracts with an advertising agency that places the advertising for Mr. Duke's campaigns. The president and owner of the advertising agency is David Duke, so that he gets another fee, another salary from the campaign contributions that he puts in his pocket.

There was an article in the Reader's Digest where someone who was close to Mr. Duke and working on his campaigns was horrified to hear him talk about his plans to run for President in terms of the amount of money he would make in Federal funds from the Presidential campaign.

We had a similar circumstance, again, back in the State of Utah, and I will not use the name of the individual, but I remember part of my political education when, as a young man, I was talking to an old hand in Utah about a candidate who kept running and losing. He had a fanatic following that would always fund his campaigns, but he never seemed to win anything.

I asked this old, experienced hand, "Why does so and so keep running and losing? It seems ridiculous to me." And he smiled with the indulgence of the informed when speaking to the uninformed. He said, "BOB, you don't understand. That is how he earns his living. Every 2 years he runs for something and he takes about $50,000 off the top of his campaign contributions and puts it in his pocket, and that is how he earns his living, running for office."

He finally got elected to something and that cut his income fairly significantly, because he had to live on the salary that came with that particular office.

What happens if we put Federal financing into congressional races? How many people will decide to earn their living running for office? I had an amendment to this bill on that point when it was on the floor of the Senate. I said if we really do believe what we say about helping the challenger, let us make this money available only to challengers. Let us only fund challengers. And then to make sure we do not encourage the David Duke phenomena, let us say it is good for two elections only; that is, if you are going to run for office and have the Federal Government pay your campaign expenses, you only get two bites of the apple. After that, if you have been rejected twice by the public, you are on your own and you have to raise your own money.

No, neither of those amendments passed, although some of them did attract some votes from the other side of the aisle because this bill is essentially an incumbent protection act and those amendments would have cut the heart out of the idea of protecting the incumbent against the possibility of a challenger.

Mr. President, if we want real congressional reform and campaign reform instead of reform that helps incumbents, there is an alternative available

to us. I would suggest if the leadership of the Senate pays attention to any of this at this hour, that we talk about some alternatives that are available.

I am a member of the Governmental Affairs Committee, and this week we reported out the Congressional Accountability Act. That, in my opinion, is genuine congressional reform. It does not go nearly far enough for the kind of reform I would like, but it is a move in the direction of congressional reform and it is broadly supported across the board. Senator LIEBERMAN and Senator GRASSLEY are the two principal cosponsors of this act. I am proud to be one of the other cosponsors of the act.

Why are we not spending our time worrying about getting this bill to conference? It has passed the House. It has already passed the House, and broad bipartisan support in the Senate. If, indeed, the solution to our Nation's problems with respect to health care or anything else is cleaning up Congress, here is an opportunity to clean up Congress that has strong bipartisan support, passed the House, and is just waiting to go to the President's desk for signature.

We have no date for it to be brought to the Senate floor. We are being told the leadership is looking at it. We are told, "Well, that might not be what we want to do. Maybe we don't have time for that." We have time to address a bill that has been thoroughly discredited—the bill that is before us—but somehow we do not have time to address a bill that has strong bipartisan support that goes to the heart of congressional reform.

Mr. President, I hate to sound cynical. I still retain the optimism of a new Member. I came to this body with high hopes, and I retain those high hopes. I guess that shows the degree of immaturity on my part. No, I do not think so. I am delighted to be a U.S. Senator. It is a great honor to be a U.S. Senator, and I feel very good about this body, even when we are engaged in an exercise like the one we are engaged in at the moment.

But I do have, I think, enough realism to go with my altruism about this job to recognize, even as a freshman Member, what is going on. What is going on was outlined, as I said at the beginning of my statement, clearly in the press, clearly in statements from people connected with the administration.

Health care was the President's No. 1 priority. Health care was the issue on which he pegged his Presidency. Health care was the trophy that he planned to take to the voters in November 1994 and the engine that he thought would pull his Presidency into reelection in 1996. Now health care is in shambles, it is dead, and we need a diversion.

As members of the administration have been quoted in the press, their diversion is to reach out for a bill that has been available to them for a conference for 10 months and suddenly elevate it to the level of a major national priority.

It is a bad bill. The reason it has been lying dormant for 10 months is that everybody knows it is a bad bill. It is a bill dedicated to preserve the incumbents. It is a bill that will produce more mischief in our political dialog, rather than less. It is a bill that does not deserve to pass.

So let us push it, nonetheless, because it will get our minds off what happened on health care. It will be good for incumbents. Most of the incumbents are members of the President's party, and if we do not get it, we will be able to accuse the Republicans of gridlock. We will be able to accuse the Republicans of obstructionism. We will be able to accuse the Republicans of not wanting genuine reform.

Mr. President, as I say, this is a Republican who wants some genuine reform and has given some specific examples of how we can get it by passing the Congressional Accountability Act reported out of the Committee on Governmental Affairs last week. But this is a Senator who does not want the charade of saying that the solution to our health care problems in 1995 will come from passing this bill in 1994. That is a giant disconnect, and the American people know it.

So, to summarize: Once again, I do not want a full employment bill for the David Dukes of this world so the Federal Government pays their salaries year after year, election after election. I do not want Federal funding of congressional elections. I do not want to pass an incumbent protection bill. And I do not think the American people want us to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, almost every candidate who ran in 1992 promised change and reform. Unfortunately the campaign finance reform bill on the floor today is a hoax when it comes to change and reform. By letting politicians spend taxpayers' money for their campaigns, the campaign spending bill, as it ought to be called, is a billion dollar raid on the taxpayers' pockets. The spending limits in the bill inevitably will favor incumbents.

Before coming to the Senate almost 2 years ago, I spent 45 years in the private sector, meeting a payroll as a businessman and as a farmer. This I did every Friday for 45 years. We will meet one again tomorrow—today that is, now.

I had never held an elective office until being elected to the Senate. I was running my own business, trying to make some money and create new jobs and wealth. All during this time I would watch as Congress went into session and adjourned, leaving it more and more difficult for me and all businessmen to run a business, to meet the payroll, to make the engine run. And they did this by passing new rules, new regulations. And I do not remember a time in the last 30 years that the Congress went into session and came out that they did not leave it more difficult for the average businessman to function.

It became apparent to me that most of the people in Congress either were ignorant of the effects of the laws that they passed on business, or they were actually hostile to the interests of business people. While I was running for the Senate I came to Washington to ask for the help of Republican Senators. I remember very clearly one of my first meetings was with my friend DON NICKLES of Oklahoma. He expressed enthusiasm for my campaign and told me that we desperately needed more business people in the Congress and that only six or seven Members of the Senate, including NICKLES, had ever been responsible for meeting a payroll.

Needless to say, I was surprised and shocked. But it made perfect sense, as I considered how all the rules, regulations, and redtape that the Congress has passed have gotten so out of control that they threaten to destroy the very basis upon which the country is built, and that is the free enterprise system.

We simply have made rules, regulated and passed laws until it is extremely difficult for a major segment of the business of this country to function. We continue to pass them every time we come into session, and this 103d session of Congress has been no exception. If we want real campaign reform, let us give the voters across the country what they overwhelmingly want, term limits. I think that term limits are a real solution and would bring about real change and real reform, unlike the campaign finance bill before us—rather the taxpayer's financing campaigns bill before us. I have already committed to serve no more than two terms in the Senate. I intend, when my term ends, to go back to my business and my farm, and I expect to live under the rules and laws that were passed while I was here.

For too many in Congress today, Government has become a career. We have what columnist George Will calls a political class of professional politicians who make Government and spending taxpayers' money their full-time business.

In addition to that, they have spawned a cadre—not a cadre, a multitude of bureaucrats in an overwhelming bureaucracy that is draining the lifeblood out of the country. The results of this are everywhere to be seen. Congress passes equal pay laws, civil rights laws, OSHA laws, all kinds of

laws, and then exempts Congress from the laws that the private sector and the working people of this country have to live under. Professional politicians insulate themselves from a bad economy by the simple function of automatic pay raises and a salary that puts Members of the House and Senate in the top 1 or 2 percent of income for the Nation.

Congress has privileges not available to the average citizen, a pension plan that is more generous than any pension in the private sector or for that matter even in the Federal Government. Congress has a staff of 37,000 employees. More congressional staff members work on Capitol Hill than the entire population of 11 State capitals.

There is no faster growing bureaucracy in the world than the Congress itself. We have added staff, we have hired assistants, we have spread offices until, as I said earlier, we are simply bleeding the lifeblood out of the economy of the country, trying to support a Government that has grown far too big.

Some of these outrages are now being addressed, and I applaud Senators GRASSLEY and LIEBERMAN in their efforts to make Congress comply with the laws they pass and stop the current travesty of Congress being exempt from many of the laws that we make. It is my belief that Congress would pass fewer burdensome laws and regulations if they themselves were subject to the same laws. Of course, most Members of the Congress would understand this more directly if they had been in the private sector, trying to meet the payrolls, meet the necessities that any private sector businessman faces up to, to pay the taxes and live under the rules and regulations that we mandate and pass here.

I am reminded of a story of the former Senator, George McGovern. Senator McGovern was an absolute champion of most liberal causes and he spent practically all of his life in public service. When he left Government he purchased a very historic inn in Connecticut to run as a business. He got a rude awakening as to the impact of all the rules and regulations he had helped to pass while in the Senate. They hit him right cold between the pocketbooks. He found out very quickly that running a business with all of the various OSHA, EPA mandates, and equal pay laws, is no simple task. He found out that it is hard work that the Federal Government has been making steadily more difficult over the past 40 years.

Former Senator McGovern wrote in a column that if he had been aware of the difficulties of running a business while he was in the Senate he would have voted differently on many laws, rules, and regulations that he not only supported but helped to put into place. He simply said that he had no idea of the burden that he was thrusting upon the private sector.

Common sense is an uncommon thing in Washington. The people in the country, the working taxpayers, know that we have to cut spending. But Congress never even considers cutting spending. We simply raise taxes. I think the problem is that Congressmen and Senators find life in Washington too easy, and they do not want to give it up. This is certainly evidenced by the fact that we can all cite innumerable ex-Members of both branches of the Congress who have never gone home. They are right here today. They come to Washington with the full intent of doing good things. In many cases that is the sole purpose of running. But then, once here, they get plugged into a Washington bureaucratic system of "you scratch my back, I'll scratch yours," and "you vote for my boondoggle and I'll vote for yours; you support my bad legislation and when yours comes up, I'll support it."

In fact, former Budget Director James Miller, using the National Taxpayers Union's figures on how much tax money Members of Congress vote to spend, found that the longer people stay in Congress the more tax money they tend to vote for. The longer Members of Congress stay in Washington, the more out of touch they become with the people who sent them here. They become closer to lobbyists and the special interest groups. The longer they stay here the friendlier they become with those people who are out to use the taxpayers' dollars. And, most of all, the longer they stay in Washington the faster and faster they spend the money of the working people of this country.

I think it is time to bring common sense to Washington by opening up the system, not by closing down the system with a campaign spending bill like S. 3, the so-called campaign finance reform bill. The spending limits in this campaign spending bill will do one thing, it will protect incumbents even more.

Under this bill once a person is in the Congress it would be practically impossible to get them out because they simply would be running at the expense of the American taxpayers. The American people want term limits. The polls and the votes in the States prove it consistently over and over. We have seen it in recent elections. Congressional leaders who claim term limits are antidemocratic have so far refused to even bring up a constitutional amendment for term limits.

We desperately need a Congress with the courage to cut spending, and stop piling debt for our children, grandchildren, and great grandchildren to pay off. Term limits may be our last and best hope to stop the stealing, the purloining of our children's future. With term limits Members of Congress will know that they will only be able to serve a limited number of years. The incentive to buy reelection term after term by voting for more spending to pay off more groups will be gone. We will be more able to vote our true beliefs and our conscience.

Perhaps the Congress will have the courage to do what is right if we can ever pass term limits, and stop spending. It is our only answer. More taxes simply mean more spending, and the debt goes on and the interest rises. Term limits make common sense. If two terms were good enough for George Washington, they should be good enough for anyone in the Senate today.

Mr. President, in January of last year I came to Washington believing that our Nation faces grave problems which if not shortly addressed will lead us to the brink of an economic catastrophe. I told the people of North Carolina that I also believed that those problems could be averted by the application of common sense and a little common wisdom. But I have found common sense to be very, very rare in Washington. After nearly 2 years in office, I continue to believe that our time to correct these problems is rapidly running out. But I am more concerned than ever that the very leaders who were elected by the people to level with them are instead hoping that the day of reckoning will happen on someone else's watch, later after we are gone. Leadership has in many cases been replaced with glibness.

In Washington there are many fine orators. Some of them are my colleagues in the Senate. But by and large they excel in one thing—glibness, the triumph of style over substance, the victory of appearance over reality. Glibness is not a very high calling. In fact, it is a lowly gift.

As I said, I spent 45 years of my life in the private sector. In that time, I never met anyone who had made a career out of being glib, at least not until I came to Washington. Certainly I never met anyone who was able to succeed in business for any length of time when his sole attribute was glibness. In business, you usually survive by hard work, attention to detail, and brains. But, Mr. President, the time for glibness is past now in the Congress. The time has come for substance to triumph over style because when Americans are told the truth they will see that we are in what the Old Testament prophet Joel refers to as our "valley of decision."

The truth is that by almost every rational and objective measure America is a nation in decline. We have seen this decline in many, many areas. And as we compare it to other nations that have declined, we see a striking similarity. We have placed more burdens on the people who work and save and invest than ever before. Taxes have been raised and then raised again—some 28 times in the last 30 years. Yet, there is not a single Member of the U.S. Senate

who will not privately tell you that Government spending is out of control; that we must do something about it; that our debt has climbed to dangerous levels, and there is no end in sight. Yet, we go on spending. Watch any bill that comes to the floor with more spending in it and it will overwhelmingly pass.

We have more crime and more violent criminals than ever before. Drug lords rule the streets in large parts of our major cities. They dominate the inner cities. The streets are filthy and crumbling. Our eroding value system has made life on these streets cheap. We do not have to go far to find it. The very city in which we now reside is a shining example of hoodlums taking control of vast areas of the city. We have more children born out of wedlock than ever before. In fact, some 50 percent of those born in most of the major cities of this Nation are born out of wedlock today. We have generation after generation who have known no life other than welfare checks and have known no business people other than prostitutes, drug dealers, cocaine dealers, and food stamp hustlers.

In fact, I spoke not long ago with a 40-year-old person who said she had never seen a check in her life of any kind except a Government welfare or subsidy check of some description. Those felons who finally are actually sentenced to do prison time—are ever actually caught, convicted and sentenced. But when one finally is, they demand and get air-conditioning, cable television, health care that is better than most law-abiding citizens can even hope to afford, and telephones. In other words, a luxurious lifestyle. And the problem is the courts have demanded that the States provide it, and that it cannot be taken away.

Mr. BOREN. Mr. President, I ask for regular order in the debate under postcloture rules. The debate should be directed to the subject under discussion.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. If the Senator will withhold, the debate must be germane under the germaneness rules.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. If the Senator from Oklahoma will allow me to proceed, I will very quickly demonstrate to him how my statement is germane to campaign reform, and the bill under consideration. That is why I am here, to talk about campaign reform. I would like to proceed and plan to proceed. And if he will give me the courtesy of allowing me to finish my remarks, he will see how they are related to campaign reform.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, the bill before us is a perfect example of incumbents protecting their seats in Congress in the name of reducing the influence of money in politics. The majority has created a new Federal program designed to manipulate the election system of this country. For the first time in this country's history, we are raiding the treasury to fund political campaigns without the consent of the taxpayers, and that is absolutely wrong.

In 1992, Bill Clinton campaigned on the promise to end welfare as we know it. What voters did not know is that he and his majority party intended to create an entirely new class of welfare recipients, a new class of entitlements for politicians to manipulate to their own partisan advantage.

The campaign finance bill currently before the Senate will mean $1 billion of tax-paid welfare for politicians. That is $1 billion—that is $1 billion—of tax dollars, tax money, going straight to politicians to get in office, and to stay in office. I believe the last thing the American public wants is to give politicians money to spend on themselves. We are wasting enough of the taxpayers' money on every other possible program, including welfare, which desperately needs reform, and now this bill would create a special welfare program for the politicians themselves.

Last year's budget battle sent a clear message to the Congress. The American people want deficit reduction, and they want to cut wasteful Government spending. I cannot think of any greater waste of the taxpayers' money than politicians spending it to get reelected.

Mr. President, some have said this bill will cost the taxpayers $1 billion every election cycle. If it cost $1 billion the first election cycle, you can believe that for every election cycle thereafter it will increase substantially. We all know that Government estimates are inevitably low. Even the Congressional Budget Office said, and I quote: "The cost of providing benefits under the system that is proposed is highly uncertain." The Budget Office calls it "benefits." I call it "welfare."

Mr. President, it is uncertain because you cannot even tell how many candidates would qualify for political welfare under the new system. One likely outcome would be radical, third-party candidates coming out of the woodwork for the sole reason that they would receive political welfare benefits. In fact, I would suspect you would have a lot of people running that are receiving welfare under the current plan, and they could add political welfare benefits to that which they already have. We would have food stamps for politicians. Multiply candidates like Lyndon LaRouche, and Lenora Fulani by 535 congressional races, and you have a taxpayer's nightmare. If you put all of the oddballs, and all of the people that would come out of the woodwork to run, there would be polticial chaos all at the taxpayer's expense.

The New Alliance Party—whatever that is—has received over $3.5 million in matching funds as a candidate in the last three Presidential campaigns. And most people did not even know it existed. I daresay the average citizen has never heard of the New Alliance Party and could give you no idea of what it is. But yet, we have taken $3.5 million of taxpayer money and shuffled it into a worthless political organization. This woman is so far left she could not even get matching funds in Eastern Europe. LaRouche—a convicted felon—has collected $2 million as a Presidential candidate since 1976. Recently paroled, he received another $568,435 in matching funds for the 1992 campaign. He ran his campaign from prison with tax dollars—over a half a million of them. And he has announced his intention to carry his supporters on a rocket ship, to carry his supporters on a rocket ship, and establish a new society on the Moon. Now, this would not be a bad idea if he were doing it with his own money. But Mr. LaRouche has no right to be spending the taxpayers' money for anything. He is a lunatic, literally, and yet we are giving him taxpayers' money to, so-call, run for President.

That is what happens when the Democratic majority sets up run-amok Government welfare entitlements. We remove any and all common sense from the system. Common sense says you cannot give millions of dollars to crazy people to run for President. And yet that is exactly what this bill does. It gives them not only the authority to run for President but to run for Congress. There is no end to the ones that would be running. And the campaign spending bill multiplies the Presidential system thousands of times. More and more congressional candidates will pour out of the woodwork.

Mr. President, taxpayers do not want to pay for Lenora Fulani to further her lunatic agenda if she chooses to run for Congress under this proposal.

Taxpayers do not want to pay for any more fringe candidates. Taxpayers do not want their tax dollars to be furthering anyone's political career or personal agenda.

It is time we further the taxpayers' agenda, those people who have been responsible for paying the bills and making the country work. We can start by throwing the taxpayer-funded congressional campaign proposals on the junk heap of history.

Pure and simple, this law means welfare for politicians, money and privileges that normal citizens cannot have but people with connections to run for office will get for free. To get this money, all you have to do is agree to the arbitrary spending limits, and then you are entitled to take a dive into the

public purse and come up with the taxpayers' dollars.

Mr. President, there is absolutely no way to tell just how much this new Government welfare program is going to cost. No one can reliably predict how many candidates there will be in 1996 or 1998 or any time into the future.

There were 1,200 more congressional candidates in 1992 than in 1990—a huge jump that nobody had anticipated happening. Can you in your wildest imagination imagine how many new candidates would have been more than happy to go to the public dole and accept hundreds of thousands of tax dollars if this ridiculous legislation we are talking about this morning were on the books? Hundreds or even thousands of additional candidates would have run as independent or third-party candidates, or not only third-party candidates but fourth- and fifth-party candidates. There would be no end to the people, so-called, running for office.

Let us talk for a minute about what all this tax money is going to buy. One entitlement granted politicians is something called voter communication vouchers. That is nothing more than a fancy word for food stamps for politicians. The candidates would take them down to the local television station or post office and redeem them, the vouchers for ads or postage. Can you imagine anything more ridiculous than the Federal Government providing a politician, no matter how wild or far out, a voucher, and he could go down and have ads run or use it for postage? Maybe if we let the Democrats have their way, the food stamp politicians could pick up a six-pack, a pack of cigarettes and a bag of chips on the way just like the rest of the food stamp crowd. I think the public has long since been fed up with paying for Congressional franked mail much less pay for the candidates' free political mail.

In addition, the American taxpayer is being made to pay for political television advertising. Political television advertising the American taxpayers are being asked to pay for.

Not only will they have to look at it but now we are asking them to pay for it. In fact, the bill mandates that television stations just give away time in the last 60 days of a campaign. Now, when I ran, we paid dearly for the television time we had in any day of the campaign.

Mr. President, what is it that makes the Congress so arrogant to think they are entitled to anything of value in the private sector? To me, forcing television stations to give away free time is like forcing sign shops to print free campaign signs. In fact, it is the same thing. Or to force the Government to hire people to nail up your signs. Or for that matter, to force a tailor to make you a suit to campaign in. It is nothing more than putting the total cost of running a campaign on the backs of the taxpayers.

Another provision of the bill gives out taxpayers' money to politicians when they are challenged by someone outside of the campaign who is making a so-called independent expenditure. Clearly, Mr. President, the Democrat majority must fear people speaking up against their leaders.

Right now, out in Washington State, effective ads are being run against the Speaker of the House. The ads challenge the Speaker's view that health care is best dispensed by big Government. I think we have clearly demonstrated that the American people do not think health care is best dispensed by big Government.

That is the very reason that there will not be a health care bill come out of this Congress during this session. Under the campaign spending bill, the Speaker would get to answer the ads at taxpayers' expense. As it is, he must at least answer them now, if he wishes to answer them and if he can answer them, at his own expense, or at least at the expense of those people who support him.

Mr. President, there are a lot of examples of welfare for politicians in the bill, but the final one I will mention is particularly bad. The bill says that if a politician is taking taxpayers' money to fund his political ambitions, and the opponent raises more than he does, then the politician gets another infusion of taxpayers' money to match the challenger.

Now, I am going through that again. That is the worst part. The bill says that if a politician is taking taxpayers' money to fund his political ambition, and his opponent happens to have worked, been successful, or have money or more support and raises more than he does because more people believe in what he is doing, then the politician that is on political welfare gets another infusion of the taxpayers' money to, so-call, level the field to meet the challenger. Clearly, the incentive is to keep challengers from spending their money and making their views known.

That bothers me, Mr. President, and it should bother any private American citizen who wants to challenge the status quo and the entrenched Washington political system. Under this bill, every dollar given by citizens above the arbitrary amount chosen by the majority will be matched by the Government with taxpayers' money. Nothing could be more wrong. In other words, we are saying that if a person has been successful in business and has decided to run for public office, then we will come forth with whatever of the taxpayers' money it takes to keep him on an equal footing with those who are using their own money.

Mr. President, as I have said, I came from the private sector, and it is a rare background in this body. But if I have learned anything in 45 years in business, it is that Government money corrupts whatever it touches. And I repeat that. Government money corrupts whatever it touches.

Dependence on Government welfare has destroyed millions of American families. It has robbed them of personal responsibility. It has eroded their integrity. It has destroyed their moral fiber. Federal dollars have ruined a once great system of public education. The Federal Government got into the education business in the early 1970's, and we have seen a constant decline in the quality of education in this country since the early 1970's. It has been brought about by Federal money. We have paid for the problem. Government money has fueled a steady increase in crime.

If you will look at the amount of money at an exact tracking and parallel of the money that we have put into welfare programs and the rate of crime in this country, they track exactly as they move upward. The more money we have put into social programs, we have seen a corresponding increase in crime.

Congress has manipulated and distorted the free market in virtually every industry in which it directs taxpayers' dollars. It has slowly eroded quality health care, and now we are threatened to completely destroy it.

In so many ways, the Federal dollar has taken away private decision, has distorted the private decisionmaking process and made the recipient dependent on the politicians of today.

Whether this was a planned policy or not, it has happened, and today so many people in office cater to and direct their decisions to more Federal spending, more welfare, and to those people dependent upon the taxpayers dollars. They give money to campaigns, and they become involved in the process to further erode the integrity of the Federal Government.

I do not believe a Government takeover of the Federal election system is likely to improve it or offer Americans a more clear opportunity to express their political beliefs. In fact, I am certain that Government-funded elections are going to mean Government-chosen candidates, and that clearly is wrong.

You do not want to work? Do not worry, you do not have to. We have public housing, food stamps and a welfare check waiting for you.

You are not married and want to have children you cannot afford? Do not worry, we will pay you to have as many as you would like. Most people have to wait and plan for more children, but under the welfare system we have set up today, you do not have to do that.

You do not want to name the father so he can be made to live up to his responsibility? Do not worry about that either, the taxpayers will pick up the tab, the father can walk free.

You want to live an unhealthy lifestyle or engage in unsafe personal practices? No worry. Make as many bad

choices as you like, destroy your health, your body, your ability to function. The Government will come up with a new health care plan to take care of you.

We do not have personal responsibility anymore. For every possible malady that can befall an individual, there is a Government program to take care of it. We have with taxpayers' dollars encouraged people to be irresponsible. It all sounds so seductively good, but the result has been Government spending and debt that has grown so staggeringly large that its dead weight has pulled the Nation into a downward spiral, both our moral fiber and our fiscal responsibility.

If a brave business person dares to try to succeed despite the heavy burden of taxation and regulation, he or she can expect to run squarely into a wall of civil rights, gay rights, environmental rights, and labor union rights that have just about righted our country out of business. It is impossible to believe the mountains of rules and regulations that are thrust upon the average private businessman today. The paperwork itself is overburdensome, and yet the rights of various groups and fringe groups go on and on and we pass more laws to protect the fringe and nothing for the center that makes a country function.

Likewise, under the campaign finance reform bill, you will have the taxpayers put up the money for your campaign for office. You do not need any personal responsibility. The decision to run for office would then be an easy one to make because none of your funds would be used. You simply would be using OP money, and that is other people's. The taxpayers will pay the bill under the campaign finance reform legislation before us now, and the taxpayers should not be paying for anybody's campaign.

Our wealthy citizens go to sleep at night behind well-armed compounds. Our middle class activates alarm systems before going to bed. Our poor citizens are reduced to putting their children to sleep on the floor so they do not get killed by bullets flying through public housing projects. What started out as a series of Government programs to uplift people has had precisely the opposite effect. Like an alcoholic who begins to comprehend the devastation his addiction has wrought, America is grimly realizing that the easy way out really is not easy nor is it out. It continues to dig us in deeper.

Continuing on the same path only guarantees a bleaker future. Our Government has made vast, unfunded promises for the future. The promises that it made will have to be paid for by generations yet unborn and going into infinity if we do not stop the spending.

Bill Clinton's own budget calculates that these promises for future Social Security benefits, Medicare payments, Federal pension benefits, and others, will grow increasingly expensive as baby boomers reach retirement age. Unless changes are made, it calculates that the generation of Americans born today will face a lifetime tax rate of 82 percent. Such ruinous tax rates will grind the country to a halt and, obviously, cannot be sustained. Yet, the culture of society rather than personal responsibility has left us wholly unprepared for the dramatic cuts in these unfunded promises that must be made in order to keep the country running.

According to a Merrill Lynch study, even if somehow all of the Government's promises to baby boomers are kept and taxes miraculously do not rise, our Nation's low saving rate will leave 46 million baby boomers with retirement living standards that are lower than those enjoyed by today's average 65-year-old.

In fact, for the first time in our Nation, it has become glaringly evident that our children can expect a lower standard of living than that which we enjoyed and that their children can expect an even lower one. These two chilling sets of facts converge to guarantee that Americans will face a financial crisis. We have a limited amount of time to turn around this Nation. America has entered its valley of decision.

Mr. President, the central problem facing America today is runaway Government spending and the rising Federal debt that ultimately threatens to swallow and destroy all of us.

I have been very clear in my beliefs. I think Government is too big, it spends too much. I ran for the Senate with this as a sole theme. Congress should concentrate on three things and should devote its time to three things: Cut spending, cut spending and cut spending.

As a businessman, I know that Government does not create wealth. Government simply redistributes it, and it redistributes it, in many cases, from those who worked it out to those who refused to work. Government transfers jobs from the private sector to the Government payroll.

Mr. President, the Federal Government is like a family with a $30,000 a year income that is running up charge card bills that they cannot hope to pay. Sessions of Congress are like a family meeting where members of the family talk about changing their raise. What it really means is instead of continuing to charge $1,500 a month, as a session of Congress or as in a family meeting, instead of adding $1,500 a month to their credit cards with great gnashing of teeth, we agree that we are going to only add $1,400 a month charges to our credit cards, and then we come with a so-called tax increase budget deficit reduction and we decide to delay that for 4 years before we start it. We talk about deficit reduction and, yet, during the term of President Clinton's 4 years in office, we will see close to $1 trillion added to the national debt.

Mr. President, where will this lead us? If you want to see where this philosophy of tax and spend has been taken to the extreme, you need go no further than right where we are this morning, and that is the District of Columbia. There is no better example of high taxes, high government spending and more regulations than Washington, DC. The Nation's Capital has the highest local tax of any city in America. It also has the highest Federal spending per capita in the Nation. It has the toughest gun control laws and the highest crime rate. It has a government which has made business the whipping boy for every perceived inequality that exists.

And what is the result? Washington has the highest murder rate in America. Its streets are filthy and in disrepair. This is the Capital of the world's richest Nation. Its public housing complexes are junk and crime-ridden at best. Many of them look like bombed-out war zones. Law-abiding citizens cannot own a firearm of any kind, but drug lords rule over large parts of the District with submachine-guns.

Marion Barry, who was imprisoned for graft and illegal drug use, is on the city council and it will appear on the verge of becoming mayor again. He is demanding that the disaster over which he presides be given two seats in the U.S. Senate. Yet, Mr. President, the Clinton administration comes before Congress and the American people and says the only problem with the Washington, DC's of the world is that Government needs more taxes and more spending to fuel more of the wealth of the country into these cities.

The taxers and spenders are destroying America. And not only do they not take responsibility for the damage they have done, they want more money so they can do it faster.

I have spoken at great length tonight about the role of Government and its relationship with the business community. I would like to speak now to the business community, about their role in financing campaigns. It used to be that business people stayed out of politics. But the time has long since passed where they can continue to do that. Congress is writing the rules, but most of the people writing the rules have never played the game. People, and especially business people, need to get active in political campaigns. That is the way campaigns should be financed.

We do not need public financing. It is not fair to the working people of this country. It is not fair to the business people of this country. Nor can we afford it. I simply do not see how those of us in the Senate can even be debating this so-called campaign finance bill.

When we are going into debt at the rate of some $700-million-plus dollars a day, how can we even be discussing spending $1 billion more to publicly finance campaigns when the working taxpayers of this country are already pushed to their wit's and money's end? These are people who work in all sorts of jobs, who get up at 3 in the morning to work.

The PRESIDING OFFICER. The Chair will inform the Senator he has spoken for 1 hour. Under the rule he has no more time.

Mr. FAIRCLOTH. Mr. President, I yield the floor to the Senator from Florida.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida [Mr. MACK].

Mr. MACK. Mr. President, I appreciate the Senator from North Carolina yielding to me. I wonder if, before he leaves the floor, he would engage in a discussion for a moment?

Mr. FAIRCLOTH. Yes, I would.

Mr. MACK. I just got to the Senate floor about 15 minutes ago. I may find myself in a position, from time to time, talking about issues that I think are related to the overall discussion about campaign finance reform and what it will do to free speech in our country. As I was chatting with some who have been here for several hours, I understand we have a thought policeman, or a speech policeman who shows up from time to time on the floor of the Senate. Maybe the Senator from North Carolina was one of those who experienced that. Apparently he did not like what my colleague was saying or felt what the Senator was saying was apparently off the subject, from their point of view? Did that happen?

Mr. FAIRCLOTH. Oh, yes, this happens somewhat regularly. It has been going on all night. But the truth of it is when you are talking about cutting any sort of taxpayer spending it is germane to what we are talking about here. And campaign finance reform is simply another waste of the taxpayers' money. But there are certain elements in the Senate, when you start talking about cutting spending, who always get upset.

Mr. MACK. Could the Senator tell me what areas was he trying to make a point about? I did hear a moment ago the Senator was talking about Washington, DC. I assume, again, someone might come out and say you should not be talking about what happens here in Washington, DC, this is a debate about campaign finance reform?

Mr. FAIRCLOTH. What I was doing was comparing finance reform to welfare in general. I am saying finance reform, campaign reform, is nothing more than welfare for politicians. We would be given vouchers which would be comparable to food stamps, with which we could go to the local newspaper, the local television station, and demand they run our ads. We could take them to the post office. We could get stamps for them. It simply would be welfare for politicians, to sustain the status quo and guarantee that a challenger would have no possibility against an incumbent.

What I was saying was that it would bring fringe benefits. We had over 1,200 more congressional candidates in the last race than we had the previous 2 years. Can you imagine if we give free money, free ads, how many we would have the next time? It would be an infinite amount, and the cost of it, we have no idea. It is impossible to conceive how much money we would be talking about. No estimate has even been given.

Mr. MACK. I guess what struck me—again, maybe I will experience this a little bit later on so I can draw on my own personal conclusion—but I thought it was rather interesting that when we are out here, I assume others made the point the campaign finance reform proposals are an infringement on our free speech rights. That, as you were engaged in expressing your opinions, from time to time the doors would open and someone could come out and say you are really talking about the wrong thing. I guess what I am saying is I can visualize in my mind, as we move into the campaigns in 1996, should this pass and become effective in 1996, we would have just literally thousands of thought police around the country who would come charging in, in the middle of campaigns, and say, "Wait a minute, you were speaking about things you cannot speak about in this campaign."

Mr. FAIRCLOTH. I would think they would have that right to go tell you that because, see, you would be running on their money. The man who controls the leash says where the dog goes.

Mr. MACK. I believe I have heard the Senator use that phrase before.

Mr. FAIRCLOTH. If the Federal Government is going to give you the money to run on, then I certainly think they are entitled to have thought police to come tell you what you can say in your campaign and where you can say it and who can say it. If you pay the piper, then he sings your song. So I think if the Federal Government is going to put up the money for you to run for office, they should have the right to say what you can put on the campaign ad.

Mr. MACK. This discussion has added, in my mind, anyway, an additional cost I doubt anyone has considered and I have not seen anything to date that would indicate what the cost would be to police. I assume there is a major expansion, then, for the FEC to be able to analyze the expenditures on the part of individual candidates throughout that campaign making the determination about whether they are getting close to the limit, what things should be included in the expenditures.

Some candidates will claim the expenditures they made were in fact expenditures on the part of the party or by the party, and should be included in their total expenditure. So in addition to having somebody who is going to be trying to determine whether you spoke too much, there are those who are going to have to make a determination about who funded how much you had to say and whether that fits into your limit or it fits into somebody else's limit. So we are going to have a larger bureaucracy, then, that has to be involved to make a determination since you said a minute ago, since I am going to be funding your campaign I have a right to determine how much you speak, I am going to have to have the resources to determine whether you are complying with the law.

Mr. FAIRCLOTH. The nice thing about this bill is it is a typical free-spending Government bill. We are not worried about what it is going to cost because the taxpayers are going to foot the bill ultimately—your children, your grandchildren, your great grandchildren and generations yet unborn are going to pay for it. So why worry about the cost of it? Simply put it on the books because it sounds good and it will keep you in office and get you reelected. And the effect upon the American taxpayer really does not matter.

But going back, too, you are paying for your ads when you are running for reelection and you or your campaign staff determine what they say because it is your money or your supporters' money.

I certainly think if the Federal Government, going back, if they are going to pay for these ads, pay for your signs being painted, they have a perfect right to say what you put on the sign.

Mr. MACK. So you think it is a reasonable conclusion to come to, that if a law like this is passed, which places a limit on how much you can speak, it is reasonable to conclude that at some point in time someone may try to determine what it is you have to say?

Mr. FAIRCLOTH. Absolutely. Can you think of a Government program in which we have expended tremendous amounts of the taxpayers' money—education, are they not determining what books you could read? What the schools have to teach? Who can teach it and to whom they will teach it and where it will be taught?

Tell me a Government program, a Federal program that is being paid for by Federal tax dollars that they do not direct and totally control.

Mr. MACK. Let me give the Senator another example which just came to mind as we have been engaged in this little discussion. My colleague may be aware that HUD has been involved in the pursuit of lawsuits against individuals living in their neighborhoods who

are being told a certain kind of project is going to be built in their community and they have voiced some concerns about whether an old building should be converted into a housing project for the homeless or for those who were recovering from drug addiction, those who are going to be trained how to overcome the drug addiction. It really is kind of startling, and I put it in this context because some people might be thinking we are kind of pressing the envelope here, that because we said there would be a limit on spending, someday somebody may try to limit what you have to say or limit what you say.

This group of people, relatively small, mom and pop type operations, started voicing these concerns about having HUD come in and build this particular project right in their community, raising the point, for example, did it make sense to remodel a facility for those addicted by alcohol, to rebuild that place a block or so away or right next-door to a liquor store? That seems a reasonable concern to raise, let alone what it might do to your community, to the value of your property. It seems people ought to have the right to express that.

Do you know they have been threatened with suits, saying that they are violating Federal law? I think that is a perfect example of how Government gets out of control and says: Oh, no, the intention is not that at all. But in the process they have chilled public speech. They have chilled the freedom of speech in this country, and that is the kind of thing that really worries me about this type of legislation.

Mr. FAIRCLOTH. People have been threatened with indictment, as you say, because they simply protested the building of what they consider undesirable types of facilities in their community. I think they have a perfect right to protest. They have worked hard all their lives to improve their lot in life. They saved. They have built houses, bought property in what they hoped would be a better section of town removed from that. And now I hear at HUD meetings that they want to bring these housing projects—which I just went through; unfortunately they do have a higher rate of crime and drug use in them—and they want to bring this throughout all middle class neighborhoods in this country. I asked at a meeting and they said the reason was, not that it would reduce crime—not by spreading these projects into the middle-class neighborhoods, not in any hope there would be less crime—but everybody would get some of it. We would spread it around.

Mr. MACK. Again, I thought it was, to me anyway, it struck me as kind of ironic to be over here talking about a piece of legislation to control how much, how long you can speak in public campaigns, political campaigns.

In the process of doing that, we have people who come through the doors who are in essence saying to you that you are speaking about the wrong thing. I think it is an excellent point to make. Maybe what we ought to do is just keep trying to speak about things we want to speak about and keep letting them come to the floor and say that you are talking about something you are not supposed to be talking about to make the point that in fact that is what they want to do, having thousands of people scattered around the country watching each individual campaign and at some point indicating that, "You have spoken too much, Mr. or Mrs. Candidate, and it is time for you to sit down." I just think that is fundamentally wrong.

I think when the American people understand what we are really talking about here is not only that they will be funding the political campaigns of politicians but, because of their funding, some Government entity will be able to tell a particular candidate that they talk too much. That again is fundamentally wrong.

Mr. FAIRCLOTH. This is a fundamental fact of life when someone puts up the money. When you accept the money, then where the money flows from will direct what is said. When the Federal Government starts financing campaigns and paying for it, if they pay for the billboard, they are going to say what goes on it. That is an inevitable happening. It for sure will happen if we pass this ridiculous legislation that we are sitting here at quarter after 3 in the morning talking about.

Mr. MACK. The last point I will make, then I will let my dear friend and colleague leave the floor of the Senate, one of the things that I will be reading into the RECORD a little bit later on is a piece by George Will on this subject about they say we talk too much. I am sure that there are times when there are conclusions drawn to the fact that we talk too much. I am sure those who are with us here tonight, not out of desire but out of requirement, probably feel that is the case right at this moment.

But one of the points that George Will makes in his article is that it is interesting during this debate that has been going on actually for several years now—it has its moments where it has drawn a fair amount of attention and then goes underground for months—is that no one in the press, or I should say very few of the journalists in America have raised serious concerns about the limit of free speech.

Normally, you would see them out there at every corner defending the right of free speech. So you have to ask yourself the question. Why are they so quiet on this issue? I mean when they defend—and thank God they do—there is probably nothing more fundamental to a free society and democracy than free speech. Thank God the press is there to keep an eye on the freedom of speech.

But yet on this issue, when there is no question that this is designed to limit an individual's ability to speak, the media in this country is basically silent. You have to ask yourself the question why? I say to my colleague that the reason they are silent is because, if we are limited in our speech but they are unlimited in the amount of their speech, who do you think wins the debate?

Mr. FAIRCLOTH. The press wins the debate. And, if this bill were in any way designed to limit the freedom of speech of the press, they would be up in arms. But since it limits the right of freedom of speech of the people, they simply sit quietly by and hope that it passes because if one group does not speak, then it gives more authority to those that do speak, that is, the press.

Mr. MACK. Again, I thank my colleague for indulging me in this kind of discussion. But I was really struck by what has occurred here earlier this evening, that there are those who want to control during the debate on free speech what it is my colleague is speaking about. I thank him for yielding me time and involving me in this discussion.

Mr. FAIRCLOTH. I thank the Senator from Florida. The Senator from Florida, I think, is going to be a little luckier than some of us were earlier this year in that I think the speech monitor has maybe gone to bed, and you will be free to speak. But he will be back early in the morning.

Mr. MACK. Maybe we can—if we have an opportunity to offer an amendment, we could have several people on our side of this issue who would be funded by Government to be monitors of those who were policing thought and speech so that we will know when they are not paying attention to it, and we can veer off in some direction that we are interested in.

Mr. FAIRCLOTH. I think the Senator is safe now.

Mr. MACK. I thank my colleague.

Mr. President, it is no wonder that the American people are cynical about Government. They see Government spending with wild abandon, wasting tax dollars and piling debt with no end in sight. They see Government regulating more and more aspects of their employers' businesses, threatening millions of jobs. They see Government interfering with their lives and property and basic constitutional freedoms. They are also cynical because politicians promise one thing and deliver another. They see politicians who promise honey and deliver vinegar. Most recently—let me say to my colleague that it is good to see him.

Mr. BOREN. It is good to see you.

Mr. MACK. If my colleague from North Carolina has not left the floor, I

would say his earlier observation was probably incorrect.

Most recently they have seen the President and Democrats in Congress promise a new health care system that would provide health security for everyone. But when Americans looked closely, they saw a plan that would have taken away their right to choose which health care they want and place it in the hands of Government bureaucrats. They saw a plan which would have destroyed health care quality in this country and rationed health care. No wonder Americans have no confidence in their Government.

Now the Democrats want to hoodwink the American people again. They want to reform the financing of campaigns. But what they really are trying to do is provide an entitlement for politicians. They want to guarantee that politicians can soak taxpayers before they get elected as well as after they are elected. The proponents of the Senate- and House-passed bills base their arguments almost entirely on a contention that there is too much campaign spending. The presumption is that the act of a campaign spending money is and of itself a bad thing.

Mr. President, that premise is wrong. There is nothing inherently bad, evil or corrupting about a campaign spending money. The act of writing a check is not corrupting. The problem in campaign finance is not where the money goes. In fact, the money goes primarily to communicate with the voters.

The proponents of campaign finance reform argue that there is a conflict between campaign funds and ideas. They say that if you limit funds, then debates over ideas will emerge. I believe the opposite will happen, however. It takes money to communicate ideas. It takes money to tell potential voters what candidates believe in. This means that if campaign spending is limited, if the ability to communicate with voters is restricted, then free speech is effectively abridged. The result will be to limit debate over ideas and make the job of defeating incumbents even more difficult.

The fact is we spend far more on advertising hamburgers in this country than on elections. Yet there is a notion put forward by the press and self-anointed good-government groups that we are spending too much. Implicit in their position is the assumption that spending is somehow corrupt.

So we have for some years now been engaged in a misguided drive for campaign spending limits. Congressional campaign spending skyrocketed in 1992, and so did voter turnout and congressional turnover, factors most observers considered to be positive.

Most nonpartisan scholars and Republicans are opposed to spending limits. There are a number of reasons for their position. The facts are that spending limits: First, as we talked earlier, limit speech; second, they limit political participation and competition; and, third, they do not in fact limit special interest or total spending.

As a matter of fact, if you limit spending in one specific area, you are going to see the spending explode in another. It is natural for Americans to be involved in the debate about where their country is going. If you tell them they cannot play in this arena, they are going to construct and play in another arena.

Because spending limits help incumbents and hurt challengers, the GOP has some practical reasons for opposing spending limits. However, there are plenty of legitimate public policy concerns as well.

Republicans, scholars, and the American Civil Liberties Union share the belief that spending limits are a bad public policy because they limit speech and participation in the political process; spending limits are undemocratic, involuntary or coerced; spending limits are also unconstitutional because they are de facto limits on free speech.

The big roadblock to limiting campaign spending is in the first amendment, which protects political speech, and the Supreme Court has determined that campaign spending which is primarily for the purpose of communication is analogous to speech. The other roadblock to limiting campaign spending is the reality that all Americans have a vested interest in the electoral process and a 200-year-old tradition of participating in it.

To the dismay of some who would like to squeeze individuals out of the process, citizens are determined that they will be involved beyond just voting. Some citizens will volunteer on phone banks. Some will hand out letters. Others will go door to door. And still other citizens who are too busy to do these other things will make small, fully disclosed contributions to candidates they support to help pay for all these other activities, and there is nothing wrong with that. Mr. President, there is nothing wrong with private citizens supporting candidates by contributing their hard-earned dollars in accordance with the law in publicly disclosed and limited amounts.

Again, let me just take a moment to make another personal observation.

I have now been involved in politics for 12 years. I can remember when I began, in 1982. One of the first things I had to do to become a credible candidate, frankly, was to be able to raise a sufficient amount of money for people to take me seriously. I mean I had never been involved in politics. I left the banking business. I went to the board one morning and said, "I am resigning. I am going to resign my position as president of the bank. I am going to resign my membership on the board of directors. And I am going to go run for political office." I must say to you that their response that morning was one of somewhat disbelief and a feeling that I had lost my mind.

There are moments like maybe tonight at 3:30 when I think maybe they might have been right. But when I left that job, I knew that in order for me to be able to make a point that I was a valid candidate, a candidate capable of delivering a message to the people, that I had to have sufficient resources to get my message out. Anybody who has attempted to raise money for any reason knows how easy it is for someone to say "no."

The most significant campaign spending limits are the people that we go to say we need financial assistance to run the campaign. The easiest way to control is for an individual to say, "I do not want to help finance your campaign." They do not have to be that direct. Most of them can give a reason other than that as to why they do not support your candidacy.

But people generally do not give to campaigns of challengers unless they believe that that challenger is in a reasonable position to articulate views that they support and to get into this program where candidates are really going to base their decision about whether they are going to run or not on the issue of whether or not they are going to get public financing I think is just fundamentally wrong.

In fact, I remember making the comment after my first campaign was over, I have never seen any single requirement in the life that I have lived that tested me more than the campaign I ran in 1982. Every single aspect of who we are as individuals is tested through a campaign, and one of the most difficult in those early stages is to raise money.

The reason I believe that individuals can raise money as a challenger is because they can convince the people they are talking with that they are dedicated to ideas and principles and a philosophy that the person you are asking to support the campaign associates themselves with.

That is a significant challenge. And what we are going to start to do by eliminating the requirement and the necessity to sell yourself to be able to raise that money, and selling not in the sense of I have just given myself away but selling yourself in the sense that what you are talking about is something you believe in, and this idea that somehow or another we are going to make American politics more pure because we are now going to give the money to candidates through the Government is just fundamentally wrong.

A spending limit is a two-pronged restriction on speech. First, it restricts the total amount of speech available to the candidate, by cutting what the candidates can spend on communication. And, second, it restricts the total number of citizens who can participate in

the process of making a donation, which really raises another point.

How many times have you heard people say, "Why aren't more people involved in this process? Why aren't more people willing to get involved in elections? Why aren't more people out here volunteering time?"

We are going to make it even more difficult for them as a result. We are going to send that message that the way you can participate is by sending your money to the Federal Government. So the next attitude that is going to develop in the country is, well, I do not need to do anything in political campaigns. After all, I pay taxes. And since I pay taxes, that is my method of being involved. It is just one more message to the American people you do not need to do it; just let Government do it for you. And again I think that that is just wrong.

Spending limits cut speech out of the process and cut people out of the process as well. That is why the Supreme Court in the Buckley versus Valeo decision said that spending limits by themselves were unconstitutional. The Court rightly said that the Congress cannot force candidates to spend or to speak a set amount. However, the Court said it is constitutional for the Government to entice candidates—I like the words entice candidates in this sentence—through generous subsidies into accepting spending limits.

That is why we have the current Presidential system where in return for complying with spending limits candidates receive generous subsidies courtesy of the taxpayers.

Mr. President, this entire campaign financing debate really is not about campaign spending. This debate is about the first amendment. It is about speech. It is about who will be allowed to speak in the electoral process and how much. The majority's proposal seeks to divy out speech in carefully restricted amounts to preserve their dominance in Government. A witness for the Justice Department testified before the Senate Rules Committee in 1991 as to what is really at stake in this debate, and I hope my colleagues would reflect on what he said. And I quote:

> 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.

Mr. President, the first amendment of the Constitution was, indeed, the most important electoral reform ever enacted. It guarantees that our democracy will forever be vibrant. It assures the American people that when they are unhappy with Government they have the right to speak and to get active in the electoral process so that they can change things. It assures that the press can honestly report on what is happening.

Mr. President, the first amendment of the Constitution guarantees that candidates can speak as much as they want. And it is pretty clear to me if you put spending limits in place, you have, in fact, limited how much a candidate can say. It guarantees—we are talking about the first amendment—it guarantees that candidates can spend as much as they want so that they can communicate as much as they want to voters. It guarantees that if Congress enacts a law that will effectively force candidates to limit their ability to communicate with the electorate, it will be struck down by the courts as an unconstitutional infringement of the freedom of speech.

Mr. President, opposition to spending limits is not just based on constitutional rights. Five elections and nearly three-quarters of a billion tax dollars later, the Presidential system of spending limits, which the Court has ruled is constitutional, is a disaster. The Presidential system propped up by the now $3 checkoff on Federal income tax forms has limited neither spending limits nor special interests.

I repeat, the Presidential system of spending limits which many would like to replicate for congressional elections does not limit either total campaign spending or special interest influence. Scholars know it. The participants know it. And the taxpayers know it. That is why fewer than 1 in 5 taxpayers now check off on their tax forms to designate $3 for taxes they already owe to the Presidential election campaign fund. Until the President's budget last tripled it, the checkoff was merely a dollar. But even the dollar checkoff rate had declined one-third from its high of 29 percent in the late 1970's. Consequently, the Presidential election fund was nearly bankrupt coming out of the 1992 election.

The Presidential system has not limited spending. Soft money, party and nonparty, has made the limits meaningless. The Presidential system provides the empirical proof that spending limits do not work. They do not limit total spending. They do not limit special interest money. Half the actual spending in Presidential elections is soft money, unlimited and undisclosed. And the point that I am making here is what I have said earlier. If you limit what the candidate for the office can say, it is almost by definition that spending is going to take place in other areas, and the spending will take place in areas that are uncontrolled and undisclosed.

And so once again what may be from one person's point of view a well-intended idea would backfire.

As Michael Malbin, of the Rockefeller Institute of Government, and a renowned expert on campaign financing testified before the Senate rules in 1991—and I am going to be quoting him now—said:

> In every Presidential election since public funding, spending has gone up—with more and more of the money going off the books and underground. If people care enough about an election, they will look for ways to get involved. If they are big and well organized, and cannot contribute directly, they will look at independent expenditures. Or delegate committees. Or registration and get-out-the-vote. Or communicating with Members. Or buying issue ads that publicize the position of an incumbent without directly advocating election or defeat. Or dozens of other devices—some of which have not even been thought of.

Off-the-book activities like these have become more prominent in every election since 1976. Some of them can be regulated, but there is no way they all can be eliminated without running roughshod over the first amendment. More important, all of these devices favor the well-organized and powerful over small participants. What the limit seems to be doing, in other words, is encouraging the powerful to engage in subterfuge and legal gamesmanship. It is giving them an incentive to increase their influence in ways that are poorly disclosed. As a cure for cynicism or corruption, this seems bizarre.

And the point that is trying to be made here is that again if you limit how much an individual campaign can spend, the area generally where you have at least in many campaigns a large number of small contributors, that when you limit how much that campaign can spend, you are going to find independent expenditures taking place throughout the Nation in various campaigns. And usually those independent expenditures are funded by large chunks of money. And so you have a situation where you are in fact discouraging, while others claim this to be opposite but you are in a situation where you are going to discourage the small contributor from being involved and you are going to enhance the effect of the independent expenditure usually funded by large contributions.

At this point I wish to read into the RECORD some comments from an op-ed piece that I wrote back in January 1992. It appeared in the Washington Times and was titled "Passing up the Dollar Checkoff." And I want to read this material in because again I am talking here about the funding of Presidential campaigns, and there are several points that I wish to make about that since there is a relationship. Even though the mechanisms may be different, I think that the mechanisms, or the effects will be somewhat the same.

[From the Washington Times, Feb. 12, 1992]

PASSING UP THE DOLLAR CHECKOFF

The American people have been told by liberals for years that public financing of political campaigns is good government. In 1971, Congress passed the $1 checkoff provision—available on income tax forms—which was supposed to clean up campaign finance irregularities at the presidential level.

But how many taxpayers ever wanted or suspected that David Duke, Lyndon LaRouche, or some ultra-liberal, would benefit from the checkoff system?

Why should a pro-life voter support a pro-choice candidate or vice versa, or a pro-taxer support an anti-taxer? For that matter, why should any voter be forced to support any candidate or ideas he rejects? Freedom is freedom; there's too much government intervention already.

David Duke running for president is his business. If any Americans want to contribute to his campaign, that's their business, too. But I'm sure people who use the check-off don't want to fund someone whose views they believe could tear apart the soul of America.

If taxpayers really knew where their $1 was going, they would demand their money back. Let's be honest with the taxpayers and tell them how bad public campaign funding can be. Taxpayer-funded campaigns would deter—or by some proposals prohibit—individual involvement in the political system and stifle free speech. That's not what America is about. Support for political campaigns is a form of free speech.

Our democracy must encourage individual responsibility and involvement. It's ludicrous to think that individuals can't make the right decision for themselves whether to support a candidate and that government must do it for them.

It's the "government knows best" attitude that is ripping apart the spirit of America. Let Americans as individuals support whomever they wish with their own money. Keep the government out of it; keep taxpayer financing out of it.

If I don't want to support David Duke, Lyndon LaRouche, or anyone else, the government shouldn't force me to with my tax dollars. Even liberals should understand that.

Under the current "voluntary" $1 tax checkoff, David Duke, for instance, could benefit in several ways:

In a primary election, taxpayer checkoff dollars could be used to match David Duke's contribution total. Mr. Duke could receive matching funds if he raises just $100,000 across 20 states in contributions of $250 or less. The government then matched that $100,000 and continues to match new individual contributions of up to $250.

During a general election, if Mr. Duke were to receive 5 percent of the general election vote or more, under a complex formula, Mr. Duke's share of the checkoff fund would be based on the percentage of his vote total applied to the amount of money the major party candidates received. For example, if David Duke captures 5 percent of the general election vote, he may well be entitled to over $5 million of your "voluntary" checkoff tax dollars to reimburse his campaign in 1992.

Under the law, if Mr. Duke then decided to mount a presidential campaign in 1996, after running and receiving at least 5 percent of the vote in 1992, he could qualify for upfront funds to hold a national political convention. This is an outrage. If people knew that their "voluntary" tax checkoff could be used to launch, say, the KKK Party or America Nazi Party, they would stop immediately.

Those who want to "fix" the way political campaigns are run have the same tired response: more tax dollars and more government. Taxpayer funding of campaigns is simply wrong. As usual, more freedom is the answer to our problems, not more spending and more government.

Earlier, I referred to George Will's column which appeared in Newsweek June 28, 1993, and is entitled, "So, We Talk Too Much?"

Washington's political class and its journalistic echoes are celebrating Senate passage, on a mostly party-line vote, of a "reform" that constitutes the boldest attack on freedom of speech since enactment of the Alien and Sedition Acts of 1798. The campaign finance bill would ration political speech. Fortunately, it is so flagrantly unconstitutional that the Supreme Court will fling it back across First Street, N.E., with a two word opinion: "Good grief."

The reformers begin, as their ilk usually does, with a thumping but unargued certitude: Campaigns involved "too much" money. (In 1992, congressional races involved a sum equal to 40 percent of what Americans spent on yogurt. Given the Government's increasing intrusiveness and capacity to do harm, it is arguable that we spend too little on the dissemination of political discourse.) But reformers eager to limit spending have a problem: Mandatory spending limits are unconstitutional. The Supreme Court acknowledges that the first amendment protects "the indispensable conditions for meaningful communication," which includes spending for the dissemination of speech. The reformers' impossible task is to gin up "incentives" powerful enough to coerce candidates into accepting limits that can be labeled "voluntary."

The Senate bill's original incentive was public financing, coupled with various punishments for privately financed candidates who chose not to sell their first amendment rights for taxpayers' dollars and who exceed the Government's stipulated ration of permissible spending/speech. Most taxpayers detest public financing." "Food stamps for politicians," says Senator Mitch McConnell, the Kentucky Republican who will lead the constitutional challenge if anything like this bill becomes law." So the bill was changed—and made even more grossly unconstitutional. Now it limits public funding to candidates who oppose whose opponents spend/speak in excess of Government limits. The funds for the subsidy are to come from taxing"—

Isn't this interesting? We are now going to tax free speech. We are now going to tax speech that is protected by the first amendment of the Constitution.

The funds for the subsidy are to come from taxing, at the top corporate rate, all contributions to the candidate who has chosen to exercise his free speech rights with private funding. So 35 percent of the people's contributions to a privately funded candidate would be expropriated and given to his opponent. This is part of the punishment system designed to produce "voluntary" acceptance of spending limits.

But the court says the Government cannot require people "to pay a tax for the exercise of that which the first amendment has made a high constitutional privilege." The court says that "the power to tax the exercise of the rights is the power to control or suppress the exercise of its enjoyment" and is "as potent as the power of censorship."

He goes on in the article to talk about Government micromanagement:

The Senate bill would ban or limit spending by political action committees. It would require privately funded candidates to say in their broadcast advertisements that "the candidate has not agreed to voluntary campaign limits." (This speech regulation is grossly unconstitutional because it favors a particular point of view, and because the Court has held that the first amendment protects the freedom to choose "both what to say and what not to say.") All this Government micromanagement of political speech is supposed to usher in the reign of "fairness" (as incumbents define it, of course.)

Incumbents can live happily with spending limits. Incumbents will write the limits, perhaps not altogether altruistically. And spending is the way challengers can combat incumbents' advantages such as name recognition, access to media and franked mail. Besides, the most important and plentiful money spent for political purposes is dispensed entirely by incumbents. It is called the Federal budget—$1.5 trillion this year and rising. Federal spending often is vote buying.

It is instructive that when the Senate voted to empower Government to ration political speech, and even endorse amending the first amendment"—

You may remember, there was an amendment offered by Senator HOLLINGS to change the Constitution so that, in fact, we could limit speech with respect to campaigns.

there was no outcry from the journalists. Most of them are liberals and so are disposed to like Government regulation (of other people's) lives. Besides, journalists know that Government rationing of political speech by candidates will enlarge the importance of journalists' unlimited speech.

And that was the point I was making earlier. It is a little bit surprising that those who have for over two centuries defended the right of free speech have been virtually silent on the issue of restricting free speech during this debate.

The Senate bill's premise is that there is "too much" political speech and some is by undesirable elements. So Government control is needed to make the Nation's political speech healthier. Our Government cannot balance their budgets or even suppress the gunfire in America's streets. It would be seemly if politicians would get on with such basic tasks, rather than with the mischief of making mincemeat out of the first amendment.

Mr. President, the Presidential system has not worked. In fact, as Mr. Malbin has observed it worsened the problems it was supposed to cure. Yet, there is a concerted effort to impose that failed system on Congress. With hundreds of races and thousands of candidates every other year, it would be a huge mistake.

Spending limits are a fraud, not reform. They do not work as advertised. They limit speech and citizen participation—that explains why constitutional scholars and the Supreme Court oppose them. And they stifle competition—which may explain why the majority party in Congress supports them.

Yet, the Democrats in Congress persist in their quest to impose spending limits on campaigns. Fortunately for the American people, spending limit proponents have been restrained by the constitutional stipulation that such limits be purely voluntary. The Presidential spending limit system, for all its shortcomings, is voluntary. And it is constitutional.

Under the Presidential system, if a candidate such as Ross Perot chose not to be bound by spending limits, he would not have to. He simply would forego the taxpayer-funded subsidies. Mr. Perot, Presidential candidate, would not be penalized in any way. He would not lose a broadcast discount. He would not lose a mailing discount. His opponents would not receive massive infusions of tax dollars when he exceeded the prescribed spending limit. Independent expenditures on his behalf would not be counterbalanced with tax dollars given to his opponent. His campaign would not be saddled with additional FEC reporting requirements.

In fact, Ross Perot, John Connally, and Eugene McCarthy all made a principled and strategic decision not to be bound by spending limits and not to use taxpayer dollars to fund their Presidential campaigns. They were not punished for their decision. Their opponents simply were generously rewarded for their own decisions to comply with spending limits.

There are some in this body who would like to replicate the Presidential system and apply it to congressional races. Unfortunately for them, the sheer number of congressional candidates—nearly 3,000 in 1992—make it cost-prohibitive. At the least, it would be cost-horrifying to taxpayers. In fact, it would be a huge new entitlement program. An entitlement program for politicians at a time when voters are wondering when we are going to get around to changing welfare as we know it. A new welfare program for politicians certainly was not what the voters had in mind when candidate Clinton was talking about welfare reform 2 years ago.

Faced with this problem—how to make a spending limit system constitutional without angering taxpayers—spending limit proponents had to move away from the Presidential model. A few years ago, they devised the mechanism of communication vouchers. One of the early proposals would have given to candidates who agree to spending limits, communication vouchers equal to 50 percent of the general election limit. Candidates would use these vouchers—also known as food stamps for politicians—to purchase advertising time. Broadcasters would in turn redeem the cash value of the vouchers from the Government.

This communication vouchers system was cheaper than full-funding would be but still it came with a huge price tag—literally billions over the course of a few elections. So the communication vouchers were ratcheted down in succeeding proposals from 20 to 25 percent of the general election limit. Still, we were talking hundreds of millions of dollars per election. And, a problem for the spending limit fans—the smaller the vouchers, the smaller the incentive for candidates to agree to the spending limits. The carrot kept shrinking, so out came the stick.

The stick approach was tempting in its cost projection. Spending limit proponents figured they could put a few penalties in the bill—50 percent broadcast discount and a mail discount—which the Congressional Budget Office would not count as a direct cost to the Treasury. Add in some additional taxpayer-funded penalties—the excessive spending and independent expenditure counterbalancing provisions—which only kick in when the spending limit was breached and the shrinking carrot would be sufficiently bolstered so that candidates would have no choice but to agree to the spending limits.

Sure enough, the CBO cost projections were not as appalling as they had been earlier. While taxpayers still would bear the brunt, much of the cost of the congressional spending limit system had been shifted to broadcasters and postal users who would make up the cost of the revenue foregone due to the new congressional campaign mail discount.

But even this was not enough. Even with all the new penalties, the communication vouchers were going to cost taxpayers hundreds of millions of dollars and that just was not going to fly with conservatives in the Senate—Democrat or Republican.

So, last June the communication vouchers were taken out of the Senate bill entirely. Now the political food stamps, the last remnants of constitutional up front entitlements were gone. In their place was a new tax, the ultimate penalty for choosing to exercise the freedom of speech is a tax on speech. Last summer, just about every kind of tax one can imagine had been floated by the President for use in his budget proposal: The Btu tax, a gas tax, a value added tax, a national sales tax, a Social Security benefits tax, a payroll tax, a higher inheritance tax, a higher corporate tax, and even a health benefits tax. And now what do we see? A tax proposed on free speech in America.

At no point in our Nation's history had we seen the level of zeal and creativity which this administration has dedicated to the quest for taxing anything that breathes. And then the Senate put forth the ultimate tax, quite literally taxing the sound that came out of a campaign if it resulted from spending over the campaign spending limit. Under the speech tax, a campaign would have two choices: First, be bound by a voluntary spending limit or, second, be taxed at the corporate rate, currently 35 percent. With the advent of the tax, any semblance of voluntariness, of constitutionality, disappeared.

Mr. President, the Senate's adoption of the speech tax dropped any pretense that spending limits in the underlying bill are voluntary. The windfall speech tax is the incendiary device that should guarantee that the entire bill blows up in the Supreme Court.

As a taxpayer funded spending limit proponent observed at the time, the campaign finance debate has shifted away from spending limits and is now centered on taxpayer financing. That should not have come as a surprise because spending limits and taxpayer funding are the Siamese twins of campaign finance.

The PRESIDING OFFICER. The time allocated to the Senator from Florida has now expired.

Mr. MACK. I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, I commend the distinguished Senator from Florida for his comments and remarks. I think his thoughtful concern for America's right of free speech is an important element in this discussion.

The Senator's commitment to making sure that opportunity remains for all generations of this country, I think strikes at the heart of this issue. The reality is, without a competitive atmosphere in campaigns, our very freedoms that we prize in this Nation are at stake. The Senator's thoughts and comments are deeply appreciated, I think by Coloradans, as well as, I know, his own Floridians.

How many are up tonight to hear them, I am not sure. It is 2 hours earlier in Colorado, so we have an opportunity to talk to those who are up at 2 in the morning rather than 4 in the morning. And I suspect those, the few who may be watching, must be wondering what in the world we are doing at this hour.

This issue came before the Senate some 15 months ago. The bill was passed and went on to the House and the House acted, I think as all Members know, some 10 months ago. So literally this discussion, this debate could have taken place any time in the last 10 months. The leadership of this body, pressed with many matters I know, had problems scheduling it, but literally did not bring it before the body for a conference for 10 months. It literally was held until the end of this legislative session, until the last minute to be brought up.

One wonders what the reason was for that timing. It is fair to say, I think, that there is opposition to the measure. I certainly am opposed to the measure. And so, perhaps it was because there was manifest opposition that it was delayed. But anyone who is considering this debate ought to understand that this was staged, this timing was picked to come up at the end of the legislative session to draw attention, just before the election was selected, by the majority leader who controls the timing of issues coming before this Chamber. In other words, if he were serious about passing the bill it could

have been brought up a long time ago and this discussion had.

I, for one, welcome the debate. I, for one, welcome the contest of ideas. I, for one, believe that to take money away from people, as we do in our tax system, and force people in effect to have their funds that they have worked for and earned and produced given to candidates whose ideas and thoughts they may or may not like, is wrong. If the free choice we prize as Americans has any significance whatsoever, that free choice at least ought to involve who our money is spent on and what candidates we support. To force taxpayers to support candidates and pay for candidates that they strongly oppose is absurd. It is why, when you ask people, do you want additional subsidies to candidates, the polls indicate no.

Are there areas of electoral reform that they want? Of course there are. And there should be. I, for one, am concerned about the process that has taken place with political action committees. I know some who talk about this express concern about PAC's based on whether or not they receive PAC contributions; whether or not they take PAC contributions. But it seems to me there is a far deeper problem than that, and that is probably not the best way to judge that question. I am concerned about political action committees because the way I see many of them—not all of them but at least a significant number of them—allocate their resources.

The concept behind political action committees is that people should have the opportunity to join together to donate their money to make it more efficient, effective. Those are not bad motives. They are not bad reasons. But what has happened is a very disturbing thing. For some organizations, some political action committees, they have become the arm of a lobbyist. That is, the person who wants to lobby issues on the Hill uses the PAC donations not to donate and support the candidates they may support whose philosophy and ideas they want to encourage and advance, but the money is used to gain access.

How many times have we heard that expression from people who are associated with political action committees? What it means is that if you donate money to a candidate maybe it will be easier to get an appointment to talk to him about issues. I do not know whether that is valid thinking or not. I suspect with many Members it does not make a whit of difference. That is right. I believe with many Members that who they see is not directly related to who they get donations from at all. But there are some for whom it makes that difference. What concerns me about the process is not simply those who would make decisions about who they see based on that. What concerns me about the process is the violation of the trust. In any relationship where there is a legal trust or an empowering someone to act as your representative, as a political action committee does—that is empowering the chairman or the president of the political action committee to make decisions for you and to physically deliver donations for you implies that they will deliver those donations to people that individual trusts and likes and supports.

What has happened, I think far too often with our political action committees, is that they have been used to gain access or thought they gain access rather than assist a philosophy that the donor believes and holds.

I am the last one to suggest that every member of every political action committee shares a common philosophy. They do not. It is very unusual that you would have complete agreement on the primary issues in any political action committee. So it is understandable they would donate to both parties. It is understandable there would be some division or diversity in whom they would support. It is even understandable, although I think it stretches the point, that you could have a political action committee to donate to both sides. One such political action committee that I thought handled the issues very well was a defense contractor. I became familiar with the defense contractor because they had an operation in Colorado. They were fine people. They were supplying components for the B–1 bomber.

During the election process when I ran for the House I responded to their invitation to come talk to their members. But they had a different way of handling it. They had individuals put their money into the PAC and then individuals assign their money, where it was to go. The first time I ran, a number of members assigned some of their contributions to my campaign. And during my first term we voted on an item called the B–1 bomber. After reviewing it my view was that it was not a good expenditure of public money, it was not a cost-effective weapons system. And while it certainly had some value, my feeling was there were better ways to spend the limited dollars that we had available to defend our country.

Many members of that political action committee disagreed with that. They disagreed with it because they made parts for the B–1 bomber. They disagreed with it because they felt strongly it was cost effective. They disagreed with it because they felt it was a good focus. So the second time I ran they did not donate.

When you think about it, that is probably the way the system ought to work. If you find a candidate that you do not like or that you cannot support, who differs from you on issues, you ought to have the right to direct your campaign contributions to someone else and that is exactly what happened. And it happened because the donations were decided by them and they made a decision based on what was important to them. That seems to me to be fair and reasonable. I happened to not get the donations. I am sure, hopefully it works other ways with other groups. But the point is the system worked with them and it worked because the individual members who donated the money had a choice. But with most political action committees, those decisions are made by people in Washington who are involved in lobbying oftentimes, and not only allocate the money based on who they might agree with but donate the money based on who they might want access to.

In other words, the way the current system works, you may well have money donated from a political action committee to somebody you do not support and like at all. I guess you have a choice. I guess you can refuse to donate to the political action committee at all. But what we have done is tolerated and advanced and encouraged a system where the trust of people is not followed, where their will is not followed.

It seems to me the primary campaign reform we ought to be talking about with regard to political action committees is to find some way of encouraging them to do the will of their members. One way is to have the members allocate and decide where their money goes personally and individually. But no one can look at the system and not be concerned about the potential abuse that takes place in every election cycle. If we were talking about that kind of change it would have and does have my full support. But we are talking about something else. We are talking about forcing people to donate through U.S. tax systems to candidates they may not like, may not support, maybe do not want to help at all. If you are concerned about people's choice, you have to be horrified by what is included in this bill.

I remember a very bitter campaign that involved George McGovern, a Member of this body and candidate for President some years ago. How would Republicans feel, being forced to donate to George McGovern? Does that square with anybody's concept of what a democracy ought to be about? How would Democrats feel about being forced to donate to Richard Nixon? I think I have some idea. I cannot imagine that it fits anyone's concept of what a democracy ought to be.

One of the concerns I have is that this taxpayer supported subsidy is unlimited. You can stay in Congress forever. There is no limit to how long Federal money would be channeled into your campaign. It removes one of the things that requires you to go out to at least talk to people and communicate with people. Some say that is good because it means people do not have to go

and raise money. They can spend this time on other more fruitful endeavors, and it means that there is a limit on how much is spent. So you are not going to have people buying elections, so to speak. To those concerns let me add a couple of observations.

Every incumbent enjoys an enormous name recognition advantage. That does not surprise anybody here. They all know it. They are all well aware of it. I suppose there could be some exceptions of someone who has built up an enormous name recognition from personal endeavors before they run. But absent a BILL BRADLEY from New Jersey who was well known and well thought of before he ran for office, absent that kind of situation, an incumbent enjoys an enormous advantage. They have the ability to answer correspondence paid for by the taxpayer. The incumbent has a name recognition that comes about in dealing with public issues and speaking out on them. The incumbent has the advantage of travel that is paid for by the Government to visit their constituents to respond to their inquiries. The incumbents have the advantage of working through the press on legitimate Government issues which the challenger may not have.

The simple fact is if you are looking for a fair fight, if that is what this is all about, if having the Government come in and finance all of this to make sure it is a fair fight, then we have tied one hand behind the back of every challenger. This is not a fair fight. If you had two people start off, one with a huge name advantage and another with very little, and you give them the same amount of money to spend, who is going to win? Well, of course, it is always possible, if the money involved is enough, that you can develop some identity on issues. It is always possible someone could be beat. But it is much less likely, if you limit what is spent, that you will have someone with lower name recognition come out on top. It is not impossible but much less likely.

This should be titled the "Incumbency Protection Act." It is not unusual. It is not new. Incumbents in jobs all around the world love to protect themselves. Self-preservation is a basic part of human nature. It does not surprise anyone that Members of Congress seek ways to rig the game. That is what this is. But these rules are not evenhanded. No one thinks they are. Campaign reform in the last decade has come down to a series of bills where Democrats try to make it illegal to donate to Republicans and Republicans try to make it illegal to donate to Democrats.

The only thing that is entertaining about it is the level of rhetoric. But this bill is not a serious effort at fair and evenhanded legislation. This bill before us is not that either. It is not evenhanded. It is meant to give advantage. It is meant to rig the rules so that one side wins and one side loses. It is not meant to make it fair and evenhanded and better for the electorate. It is meant to help one party win over the other. That is why you have partisan votes on this. Members on both sides who often demonstrate the ability to be independent and cross the party lines depending on the issues on this have tended to stay home partly because it is a partisan issue. It is an effort to gain a partisan advantage.

I for one am concerned about it for another reason. This bill also makes it more difficult to replace incumbents.

Americans' concept of democracy was revolutionary and for that matter is revolutionary. If you are going to oversimplify it, if you are going to generalize it, one of the aspects of American democracy is that we do not trust people very much. We have heard the adage that power corrupts and absolute power corrupts absolutely. Frankly, Americans believe it. Our experience was with King George, and it was not a pleasant one. It was with someone who had enormous powers as a monarch and he abused them. That is why this country, which had enormous ties to Great Britain and great affection in many areas, broke away because of the abuse of power.

But incorporated in our concept of democracy right from the start was an understanding of human nature. It was not just comments of the philosophers; it was a study of human history.

When you look at the enormous research that went on for those people who attended the Constitutional Convention, you marvel and awe. At a time when the breadth of knowledge in our population was not as widely shared as it is now, at a time when the number of books published was far less, at a time when public libraries were limited, and at a time when you did not have near as many educational institutions, assembled at that Constitutional Convention were philosophers and political scientists and local officials with the wisdom that has dazzled the ages. The reports are that at the Constitutional Convention a large number of topics were discussed and a large number of models were examined independently. The city states of Greece were reviewed in depth, and the lessons that the Greeks had learned were discussed in depth. The concern about excessive power and how the Greeks dealt with it was examined. The reports that we have on that Constitutional Convention indicate the Swiss Canons were examined. They at least at that point in history were one of the few examples of something close to our vision of a democracy.

As all Members know, this country not only is the longest lasting democratic republic in the history of mankind but it was one of the first.

They looked at the Roman experience, both under the republic and later on under the empire. As Members are well aware, because of the very thoughtful comments and review made by Senator BYRD over a number of years commenting upon the Roman Republic, the Romans had concerns about excessive concentration of power. And many feel that the development with regard to the Roman Republic where an emperor took over and usurped the power of the Senate and other legislative bodies was part of the reason for the downfall, the corruption that had come about through the concentration of power.

Originally, in the republic, there was a popular assembly in the Senate which limited terms for the executive officials who were elected, a division of power, and checks and balances. The thought was that by dividing the power and limiting the time in service, they could prevent the abuse; they could prevent an excessive concentration. They were familiar with the writings of Polybius and Cicero. Polybius had noted that the Greek city states demonstrated the phenomenon. The inevitable trend of concentrating power in the hands of a few, the democracy developing into an aristocracy that developed into a dictatorship, and that concentration of power ultimately resulted in chaos, a breakdown of the system, a wide dispersal of power and the beginnings of democracy again.

That concern over the cycle of governments, and more specifically over the concentration of powers, is what drove our Constitution to adopt the structure that it did. But fundamental to those ideas and fundamental to the approach Americans had was an insistence that we limit power, that we avoid a concentration, that we have checks and balances, that we offset the power of the Federal Government with the power of the State governments, and offset all of that with our commitment and our reservation of power to the people in this country.

We not only have checks and balances in the allocation of power between the people and the States and the Federal Government, but within the Federal Government, we made sure that the power was divided up, that no one could abuse the system. We divided the power between the executive and the legislative and the judicial. If that were not enough, we divided the power in the legislative branch between the House and the Senate. It was not simply a reflection of what was done in the past. It was a study, a plan, a commitment to restrict the concentration of power in this country in the hands of a few under a firm understanding that power could corrupt and absolute power could corrupt absolutely.

Limiting power is the essence of what the American experience was all about. It is the essence of how Americans came to understand these issues. It was the essence in protecting our

freedom because it was understood that there are trends among mankind, a trend to greater and greater concentrations of power in the hands of a few. And it was an effort to stop that process. It was an effort to stop the concentration of power and keep it divided.

Mr. President, this measure endangers that very concept. Why would I say that? Because it makes it much more difficult to defeat an incumbent. By making sure that the challenger cannot spend more than the incumbent, by making sure that no matter how outrageous the incumbent's conduct is, the taxpayers have to finance his or her efforts whether they want to or not, we make it much more difficult to replace people.

Moreover, I am convinced that by allowing unlimited terms, as this bill would encourage, we foster and encourage what I think is a disastrous practice in legislative bodies; that is, logrolling. This is a simple process of saying, if you will vote for my bill, I will vote for yours; if you will appropriate money for something I like, I will vote for money for something you like.

It is at the foundation of what I have been concerned about with regards to the National Endowment for Democracy. NED is a danger because it gets the head of the Democratic Party and the head of the Republican Party together and tells them, "Look. If you will just support money for each other, we will give you money without Federal supervision." It is the ABC's in learning logrolling. That is what is wrong with the National Endowment for Democracy.

It is not that democracy is not a good idea. It is a great idea. But logrolling trains the parties in ways to raid and get money from the public Treasury. It is simply the signoff on the money that goes to the other party. That is one of the dangers that happens in a legislative body, the recognition that you can raid the public Treasury by not fighting each other and by cooperating with each other; that all it takes to get money out of the pockets of people is not to have good ideas or good concepts or good programs, but simply be willing to turn a blind eye to the money that goes to somebody else. They will in turn shut their eyes to the money that goes to you.

That system of logrolling is alive because people have unlimited terms. If you are in a powerful position to allocate money in a Chamber, and they are not only there now, but may be there for a long, long time to come, the ability to enforce and discipline members into logrolling becomes possible. But if you limit terms, if you limit terms, it changes the dynamics tremendously. If the people who control the levers of spending rotate and change, then the ability to force people to go along, to get along falls apart.

This measure, forcing taxpayers to give over their hard-earned money to fund politicians they may like or not like and to do it as long as that politician runs for office, regardless of what they have done and how they have served, is a tragic mistake. It is a violation of the freedom and the liberty of our citizens. But moreover, it fosters a practice that can lead to the corruption of the democracy that we enjoy.

It fosters a practice of professional politicians, of professional Members of this body and of the other body. What it does is foster a ruling class in America. We Americans, hopefully, have respect for people who are in office but never thought they were any better than we were. We never thought the fact that you had a title meant that you had any more rights than anyone else.

One recalls, with I think some sense of pleasure, Thomas Jefferson insisting that when he left office, the appropriate way to address him was "Mr. Jefferson," not Mr. President. One remembers with fondness that when George Washington was offered a crown as the new king of this country, he turned it down.

Americans are made of different stuff. It is never our intention to deify people in public service. One need only look at our journals and our newspapers to understand that far from deification, many members of the public have something else in mind for those who serve. To suggest that you are going to have a permanent ruling class that would occupy these halls without limit of time is as alien to the American concept of democracy. It is as false and as flawed and at odds with the very philosophy that was put in our Constitution and, more important, the wisdom of the ages which said too much power corrupts.

The very fiber of the way we have constructed our institutions from bottom to top and from top to bottom is to be concerned about and aware of the dangers of a professional ruling class and too much power. To keep people here whether people are willing to donate to their campaigns or not, fosters logrolling, fosters a professional ruling class and threatens the very fiber and foundation of the concepts that make this country so unique.

What do the American people think? It is a fair question. Here is the way they voted on term limits. In Arizona, 74 percent voted for term limits. In Arkansas, 60 percent voted for term limits. In California, 63 percent voted for term limits. Colorado was first State in the Nation to adopt term limits for Members of Congress. I recall the campaign well because I was cochairman of the campaign along with Eric Roth. Eric Roth was a long-time leader in Democratic politics in Colorado. He is still very widely respected.

He was a labor union leader and a person of great principle. It was unique, though, that we joined together in a ballot initiative in the State. We were not known as necessarily sharing the same ideas or always working on campaigns together but we agreed on term limits. In Colorado, we got 71 percent of the vote. In Florida, the State Senator MACK, our previous speaker, comes from, 77 percent of the Floridians voted for term limits, in Michigan 59 percent, in Missouri 70 percent, in Montana 67 percent, in Nebraska 68 percent, in North Dakota 55 percent, in Ohio 66 percent, in Oregon 69 percent, in South Dakota 63 percent, in Washington 52 percent, the State of the Speaker of the House of Representatives—the Speaker dramatically, strongly, vehemently, effectively opposed term limits and even in the State of the Speaker of the House the majority approved term limits; in Wyoming 77 percent approved term limits.

Mr. President, these States all approved term limits. Some have Democratic majorities, some have Republican majorities. That did not seem to matter. Some were liberal and some were conservative and that did not seem to matter. You see, the concern over a professional ruling class and professional politicians cuts across party lines and philosophic lines. It is American. Americans are concerned about excessive power. It is not just the founders of this Republic who were concerned about it. It is every American even to today. They somehow sense and understand that the more power we have to control them and their lives, the less power they will have. And term limits is a way to address it. Term limits is a way to impose controls and limitations.

That is the essence of what the founders of our Republic tried to do.

When I offered an amendment to this bill that would limit the number of terms somebody could be subsidized by the taxpayers to run for office, we got a new high in votes. But it did not pass. You see, there is a dramatic difference between the way legislators who are going to be subject to the term limits vote on the question and the way our citizens vote. But I do know one thing. There is a reason why it is so difficult to get the term limit measure out of committee. There is a reason why not once has the House Judiciary Committee allowed term limits to come out in the Chamber and not once has the Senate Judiciary Committee allowed term limits to come out in the Chamber for a vote. Members of the Senate and the House feel differently about term limits than the American people, than Democrats in America do and Republicans in America do because the voters in this country strongly favor it.

Mr. President, I believe within the next decade you are going to see term limits pass, and it is going to pass because Americans are concerned about

the excessive concentration of power. A campaign finance reform bill that forces citizens to have their money spent by candidates that they may not like at all is outrageous. Who are we kidding? It is not a reform. It is a regression. It is a suggestion that the choice people have now of who they donate to and do not donate to is taken away from them; that we are going to tax the money away from them and allocate it the way we wish to. That does not surprise anybody. It does not surprise anybody that political leaders would want the money. But please do not pretend that denying people a choice about who their money goes to somehow reflects their will, or that is somehow favored by the American people, or that funding it with regard to perpetual terms for Members of Congress is somehow helping them out.

Mr. President, here is a poll. This was taken by the National Taxpayers Union Foundation. The question they asked Americans is: "Would you favor a constitutional amendment that would limit the number of terms a Member of Congress can serve?" And 75 percent said they favored it, 25 percent opposed. Even more interestingly, the period for which they proposed term limits indicates an even greater support for the concept. Let me give you the question: "If limitations were passed on the number of terms a Member of the House of Representatives could serve, do you think the maximum number of terms should be 2 terms, 4 years?" Thirty-four percent. Three terms, that is 6 years, 26 percent. Together, that was 60 percent of the American people favored not more than 6 years' service in the House. Obviously, that relates to one term in the U.S. Senate. And 19 percent said the maximum should be 4 terms.

Now, the measure that I have introduced in the Senate and we voted on on this very bill talked about 2 Senate terms or 12 years. But what we are looking at here is 79 percent of the Americans favored a maximum of 4 terms or 8 years or less. Another 8 percent favored the 6 terms. By the time you get through this poll, there are very few supporters of term limits beyond the 12 years that we propose. Ours is at the outer end of length of service and yet the bill that is before us would subsidize campaigns of people not for 4 years, as 34 percent wanted, not for 6 years, as 60 percent want, not for 8 years, as 79 percent want, not for 12 years, as 87 percent want. It would subsidize their campaigns forever, as long as the Member lives, regardless of how they perform, regardless of whether their constituents like them, regardless of whether the American people want their money taken away from them and given to the politicians or not.

Mr. President, the American people do not support this bill. They do not support the idea that you are going to forever keep people in office. They do not support the idea that you are going to rig the process so it is very difficult to defeat an incumbent. The American people favor term limits, and they favor them strongly. They favor them for a dramatically shorter period of time of service than any of the bills that we have before Congress.

Mr. President, the American people do not favor having their taxes raised to fund campaigns that they may not like or want. The reality is that we have a system that allows people to express their wishes. The last question that they asked in their poll was this: "Public dissatisfaction with the status quo was measured recently by a Wall Street Journal/NBC poll showing Americans strongly favor a limit on congressional terms. Do you favor a limit on congressional terms?"

Now, this is not the U.S. term limits poll, which one might suspect could have some lack of objectivity. Certainly they have as strong a feeling for those term limits as I do. That was one done by the Wall Street Journal and NBC News. The response they got to their poll showed 80 percent favor term limits and only 17 percent were opposed, even stronger than what the U.S. term limits found.

Now, it has been suggested that it is unconstitutional for States to vote in term limits, unconstitutional for the people in a fair referendum and a Democratic referendum to decide to put a limit on the length of time that their people serve. And so before the Supreme Court of the United States is a challenge to the referendum passed in Arkansas. It will surprise no one that the term limits initiatives have been primarily done by referendum in States where the people have made the decision, not the elected representatives.

In addressing this issue, Term Limits Outlook series has put out a series of papers that deal with this issue.

I want to quote from the first one that they put out in volume II. This is volume II, number 1. The headline is "Corporate Interests. Why big business hates term limits"—a fair title, I think. They say this:

In 1991, Connecticut Gov. Lowell Weicker said that "Nowadays, its hard just to get someone to drop their bag of Doritos long enough to cross the street to vote." In November 1992, 21 million people in 14 States approved in a near-national referendum sweeping Federal and State-level term limits, sending a clear message to the 103d Congress of their desire for fundamental political reform. Term limits are an anathema to most elected officials, many of their staff members and to large sections of the professional special interest community. Their opposition to the 14 State initiatives was expected.

But also opposing term limits was a cross-section of big corporate America. Many corporations oppose term limits out of self-interest: they have a stake in status quo government and they don't want to lose it under term limits. But the extent to which large corporations will oppose term limits underlines the fact that, as government grows omniprovident, big business, too, has as much to fear from a change in the rules of incumbency as the incumbents themselves.

Nationally, term limit opponents spent between $3 million and $4 million, not the $1 million anti-term limit consultant Victor Kamber asserted in an election day article in USA Today. On the books, spending against term limits looks small—around $1.5 million. But almost $2 million in soft money funneled through the California Democratic Party to stop term limits. Staffers close to one of the congressmen actively opposing California's Proposition 164 said that the money was available to the anti-term limit campaign, but that it was decided to use the funds for get-out the vote activities and slate mailings urging a "no" vote on Prop 164 rather than a direct assault.

Term limit proponents, including national organizations like U.S. Term Limits, Americans to Limit Congressional Terms, Americans Back in Charge and the 14 individual state organizations spent close to $4 million on the campaign, far less than the $6 million Kamber estimated in USA Today. Expenses like advertising, legal fees and significant petition signature gathering costs translated into a cost-per-vote of roughly 17 cents. This compares to the $1.7 million Rep. Newt Gingrich spent to earn the votes of 158,000 people in Georgia's 6th congressional district ($10.76 per vote) and the $26 million spent to earn 18 million votes by the four major party candidates running for a U.S. Senate seat in California ($1.44 per vote).

Mr. President, I break in on the article here because of I want to emphasize the comparison. They are talking about 17 cent a vote versus a $10.76 cents a vote that Congressman GINGRICH spent. The article continues:

For term limit supporters, a little money went a long way.

Opponents concentrated their efforts primarily in a few states: California, Michigan, Washington, and Arkansas; all States with Democratic majorities, all home to powerful Members of Congress and all winnable. In general, term limit opponents waited until late in the campaign to organize and fund their efforts, in part, according to term limit backers, to avoid public scrutiny. This was not the case, though, in Michigan, where opponents aggressively campaigned against the term limit initiative, Proposal B, from almost the very beginning.

Term limit opponents in Michigan were able to tap considerable corporate resources. Donations by General Motors, Ford, Chrysler, Upjohn, Blue Cross-Blue Shield of Michigan, Michigan Bell, Detroit Edison, Southern California Edison, Philip Morris, The Coastal Corporation, Kellogg, USX, Pacific Telesis, and General Dynamics enabled the Michigan Citizens Committee Against Term Limitation and its affiliated media-buying group, Michigan Citizens Alert, to wage a $500,000 ad campaign against Proposal B. It's ironic to note that former Chrysler Chairman Lee Iacocca is a term limit supporter, writing that "a $4 trillion national debt, a $3 trillion deficit since 1980, and $300 billion in red ink in just the past year is prima facie evidence that the 'professionals' have botched the job." His former company, and its automaker allies, spent $105,000 to try to stop the concept Iacocca endorses.

This list of large corporate sponsors would seem to indicate that more was at stake in

the November 3d Michigan election than just term limits. Some of these companies had parochial interests involved: Kellogg, Ford, GM, Chrysler, Detroit Edison, Michigan Bell, and Upjohn are all Michigan-based corporations and they have a history of supporting Michigan's political establishment. They also have a history of supporting incumbent politicians.

Between 1979 and 1990, the primary PAC's of these seven companies donated an average of 16.5 times more money to congressional incumbents than they did to congressional challengers. Incumbent officeholders usually hold a PAC fundraising advantage, an average 12.5:1 for the 1992 House races.

This fact has given rise to repeated calls for campaign finance reform—in fact, to the birth of an entire campaign finance reform industry. Opponents of Michigan's Proposal B cloaked their arguments against term limits in the rhetoric of campaign finance reform. Ted Cooper, CEO of Upjohn and co-chairman of the Michigan Citizens Committee Against Term Limitations wrote, "Our campaign finance system virtually assures that no one gets elected to national office without massive campaign spending. Promising challengers are often taken out of races simply because they can't raise money as effectively as their opponents." Upjohn has donated nearly 22 times more money to incumbent officeholders since 1979 than it has to challengers. Further, Upjohn has not put any money into groups that actively work toward campaign reform. Upjohn's corporate foundations spend their money on charitable causes in the Kalamazoo area—where Upjohn is headquartered—and on such national groups as the United Negro College Fund, the Nature Conservancy, and the conservative Washington, DC think tank (and term limit supporter) the Heritage Foundation.

Similar sentiments were voiced by Ford Motor Company executive Susan Shackson: "Campaign finance reform may be a better response to incumbent fundraising advantages because it would increase fairness without diminishing choice." Ford has donated nearly 16 times more money to incumbents than to challengers since 1979.

But both Cooper and Shackson go to the heart of corporate opposition to term limits when they talk about the ramifications such limits might have on their vested congressional interests. Shackson writes that term limits "could make a career in politics less attainable, and more candidates could come from special interest groups—such as labor, education, or trial lawyers organizations—that are unsupportive or even hostile toward business and industry." Upjohn's Cooper noted that "The pharmaceutical industry, along with every other sector of manufacturing, commerce and policy has been called a special interest, and it has been suggested that we control legislators. If that were so * * * things would be quite different for us in Washington and in our state capitals. We work very hard to develop legislative allies, and the only way we can do this is to convince these people of the rightness of our cause."

Mr. President, the article goes on about U.S. term limits. But the point they try to make is the position of corporate leaders, of large corporations, who have a vested interest in the way things work right now. The kind of reform that is before this body is one that cements in the incumbents. It is not one that changes the system. It is one that makes sure it cannot be changed.

Stephen C. Ericson published an article in Policy Review. It is entitled "James Madison's Case for Term Limits." I want to just share a little bit of it because I think James Madison, in his wisdom, got right to the heart of the question.

The article starts off as follows:

In 1787 a French diplomat made a remarkable prediction about the American political system. Reporting to his home government, Louis Guillaume Otto pointed to what he believed was a critical flaw in the new American Constitution:

"It is true that the President will be elected for only four years, the Senators for only six, the Representatives for only two, but they will always be *eligible* [Otto's emphasis]; will not elections be for sale . . . especially when they will be able to command the public treasury at will?"

Anti-Federalist opponents of the Constitution had serious doubts about a lack of term limitation, fearing a distant government that would grow independent of its electors and become corrupted by centralized power.

Term limitation also had a backer within the ranks of the Federalists, the "Father of the Constitution" himself, James Madison. Madison's call for legislative term limitation was unique, in that he proposed to use the concept as a means to control special interests. It is his argument that speaks to us most forcefully today.

ROTATION OF OFFICES

The notion of restricting re-election is as old as the democracy of ancient Greece, where the practice of legislative term limitation found expression in the writings of Aristotle. The idea was adopted by English republicans, the most influential of whom was James Harrington. Harrington made "rotation of offices" a centerpiece of his mode Commonwealth of Oceana, a plan Madison probably studied when contemplating the design of an American republic.

Harrington's concept of rotation was passed down to generations of English and American republican thinkers, including the framers of the Articles of Confederation. A number of early American state constitutions also adopted the concept for a range of office holders, from governors to local sheriffs and coroners. Madison's colleague and fellow Virginian George Mason wrote term limitation into the influential Virginia Declaration of Rights, illustrating how re-election restrictions were commonly associated with the most essential constitutional guarantees against tyrannical government. Anti-Federalists believed that legislators inevitably became corrupted when allowed to hold office for long periods of time, and that one way to ensure just laws was to compel legislators to live periodically as ordinary citizens under the laws of their own design.

Equally important, rotation of offices would educate large numbers of citizens in the art of governing through office holding, and thus make it more difficult for government to encroach on their liberties undetected. Many Americans of the founding generation saw rotation of offices through mandatory term limitation as a key to the maintenance of a selfless and politically astute citizenry, qualities known as public virtue, which were necessary if the republic was to survive.

Mr. President, the article goes on. I ask unanimous consent to have the entire article printed in the RECORD at this point.

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

A BULWARK AGAINST FACTION—JAMES MADISON'S CASE FOR TERM LIMITS

(By Stephen C. Erickson)

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Anti-Federalist opponents of the Constitution had serious doubts about a lack of term limitation, fearing a distant government that would grow independent of its electors and become corrupted by centralized power.

Term limitation also had a backer within the ranks of the Federalists, the "Father of the Constitution" himself, James Madison. Madison's call for legislative term limitation was unique, in that he proposed to use the concept as a means to control special interests. It is his argument that speaks to us most forcefully today.

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Equally important, rotation of offices would educate large numbers of citizens in the art of governing through office holding, and thus make it more difficult for government to encroach on their liberties undetected. Many Americans of the founding generation saw rotation of offices through mandatory term limitation as a key to the maintenance of a selfless and politically astute citizenry, qualities known as public virtue, which were necessary if the republic was to survive.

POPULAR GOVERNMENT'S "MORTAL DISEASES"

Madison agreed that a measure of public virtue was required for the operation of republican government, but was more inclined to believe that man was essentially a self-interested creature and that public virtue

alone was not enough to secure the republic. His great concern was that groups of people, or factions as he called them, would come to dominate government at the expense of the common good. Madison's idea of faction is nearly identical to the modern notion of special interest.

In his now-famous Federalist Number 10, Madison defined faction as a group of citizens "adverse to the rights of other citizens, or to the permanent and aggregate interests of the community." He pointed out that factions may derive from different moral and philosophical opinions, but are especially potent and determined when motivated by economic interests. They are "the mortal diseases under which popular governments have everywhere perished," said Madison. Because factions are endemic to free society, the central intellectual challenge in designing a constitution for the United States was to minimize the effects of special interests on government. The enslavement of modern American government to special interests and local constituencies at the expense of pressing national concerns indicates that something has gone drastically wrong with the Founders' strategy for controlling faction.

The system of checks and balances taught to every American school child is the Founders' first weapon against faction. Their plan gave the various branches of government not only different powers, but also contrasting temperaments.

To the executive they gave energy and to the judiciary independence. In keeping with the classical model, the Founders attempted to provide the two branches of Congress with the complementary characters of wisdom and virtue. Chosen by direct election, the House was designed to be immediately representative of the people, exercising republican government in its raw form. Madison argued that this lower branch would be most capable of reflecting the public virtue found in the body of the citizens, but might lack the wisdom to distinguish self-interests from broader community interests, become motivated by popular passions, and thus be prone to faction.

COOLNESS IN THE SENATE

To check the potentially narrow-minded perspective of the lower branch, Madison supported a Senate that would proceed "with more coolness, with more system, and with more wisdom than the popular branch." Popular passions were to be cooled through indirect election, a "refining process" whereby senators were elected by state legislatures—although Madison personally preferred indirect means other than state governments. Members of the upper house represented greater territories and would therefore possess a broader view, and hold office for six-year terms to give them more time to become acquainted with national concerns. While the upper house would be a constant check upon faction, its actions would in turn be monitored by the lower house to safeguard against the potential corruption of government bodies more distant from the oversight of the people. On paper, the House and Senate stuck an ideal balance.

But differences between the upper and lower houses of Congress disappeared in the 19th and early 20th centuries, as the indirect election process was gradually eliminated throughout the states. Today's senators are, in effect, representatives with longer terms, and are no more resistant to special interests than their counterparts in the House. Even if the Founders' "refining" mechanism were still in place, it is difficult to see how it would be an adequate defense against modern special interests, given the vast capability of modern government to serve those interests. Indeed, circumstances have rendered both houses of Congress identical in character and temperament.

ADVANTAGE OF LARGE REPUBLIC

Another way Madison hoped to discourage faction was in the creation of a large republic. While a small republic might easily split into two factions or interests, Madison believed that a large and populous territory like the United States, containing many conflicting interests, would be less prone to faction because in a large republic it would be difficult for any single interest to form a majority and serve itself at the expense of the common good; on the contrary; a host of conflicting interests would check each other. Madison's theory held as long as the federal government's power remained relatively limited. Yet limited federal power encouraged the rise and militant assertion of a minority Southern slave interest, which led to the Civil War—America's bloodiest battle with faction.

Ironically, the Civil War marked a major step in the growth of an increasingly powerful federal government that eventually undermined Madison's large-republic theory. Commanding enormous power and resources, modern government now serves thousands of special interests simultaneously in ways unimagined by Madison and his fellow Founding Fathers. Today special interests are banded together and served by their agents in government, principally congressmen, to form a collective majority. Modern politics have rendered national interests to be, in practice if not in reality, the sum of a vast number of special interests. The mechanisms the Founders incorporated into the Constitution are too feeble to address the threats posed by special interests to a modern state operating within an infinitely more complex society than that of 18th-century America.

MADISON CALLS TWICE FOR TERM LIMITS

Madison, however, proposed to deploy another weapon in the fight against special interests, and that weapon was legislative term limitation.

The idea was first raised at the Philadelphia Convention on May 29, 1787 in the Virginia Plan. Although introduced by Governor Edmund Randolph, the Virginia Plan had been outlined by Madison in letters to Randolph and George Washington prior to the convention, and served as the initial working draft of the Constitution itself. The plan declared that members of the lower house were to be ineligible to run for re-election after a single two-year term in office and would not be allowed to run again for an unspecified number of years thereafter. The upper house was to be elected by the lower house, incorporating Madison's preferred refining mechanism. As a result, term limitation could potentially affect the entire legislative branch. Here, in the Virginia Plan, Madison called for a radical application of legislative term limitation, mandating an entire new House of Representatives every two years and holding out the possibility for frequent and significant changes in the Senate.

Although term limitation was later struck from the Virginia Plan, Madison again raised the issue in a noteworthy speech on June 26 that encapsulated much of what he would later write in Federalist 10. The delegates had been discussing the creation of a Senate where Madison hoped to establish a bulwark against faction. Writing about himself in the third person in his notes from the convention, Madison stated:

"[He] did not conceive that the term of nine years could threaten any real danger; but in pursuing his particular ideas on the subject, he should require that the long term allowed to the second branch should not commence till such a period of life, as would render a perpetual disqualification to be re-elected."

Here Madison differentiated the House and Senate far more profoundly than did the final draft of the Constitution. As a result of short terms and the potential for re-election, the House would be sensitive to the changing needs and interests of the population. The Senate, on the other hand, comprised of the old and presumably wise, would take a long and more objective view and, without election pressures that result from short terms and re-elections, would be more capable of rising above narrow self-interests than members of the House. Such ideas, found in his convention speeches and in the Virginia Plan, reflect the true Madison even more than his famous writings in *The Federalist*, where he argued not necessarily for his own proposals, but in favor of a constitution that was the product of a great political compromise.

Madison's efforts on behalf of term limitation were modest and encountered almost no encouragement at the Philadelphia Convention. Arch-Federalists took strong objection to the prospect of a government of amateurs. Their argument is one that has always dogged the case for term limitation, and indeed their objections are frequently echoed by modern critics of the idea.

Madison also agreed that government must be wise, and he therefore could support a nine-year term in the Senate to ensure that one house of Congress was well experienced. Classical political theorists had advised the creation of upper houses comprised of aristocrats, reasoning that only a leisure class would have the time to read widely enough to govern wisely. In Harrington's republic, the upper house debated and proposed legislation, but it was the lower house that voted it up or down. Thus, government was divided into the higher function of debating and proposing carried out by an educated elite, and the lower function of choosing, performed by the representatives of more virtuous freeholders.

THE RISE OF CAREER POLITICIANS

But who actually proposes modern legislation? Today, laws and policies are developed by legions of legislative staffers, bureaucrats, and lobbyists, while the choosing is left to elected officials in both houses of Congress. In terms of the classical model, the brain trust has moved from the old aristocratic upper house to a professional class of public policy experts. Given the complexities of modern government and society, no other division of labor seems possible. The modern U.S. Congress is no smarter than the bureaucracy that supports it, and is therefore neither especially wise nor virtuous.

No doubt many of Madison's colleagues at the Philadelphia Convention would have joined him in support of legislative term limitation had they foreseen the possibility of the rise of a class of career politicians, all but unimaginable in 1787. Indeed, Madison acknowledged that "a few" members of the legislative branch would be "frequently re-elected" but that "new members would always form a large Proportion." The Anti-Federalists were less convinced, and their case for re-election restrictions based upon worries about corruption and the establishment of a detached ruling class is still relevant today.

But it is Madison's argument for term limitation that cuts to the heart of what is wrong with the present American political system. Unlike his Anti-Federalist critics who called for term limitation to prevent the rise of a government independent of the people. Madison sought to use the concept to give legislators more independence from their own narrow constituencies and self-interests. He attempted to create a system whereby legislators were not advocates for special groups, but impartial umpires for the national interest.

Madison understood that all legislative decisions are biased and attempted to minimize those biases by encouraging legislators to be less interested and more judicious through mechanisms like term limitation. Madison knew that the desire to be re-elected could make legislators pawns to special interests. And getting re-elected is naturally a primary concern of modern career politicians. Thus, the present system maximizes the influence of special interests at the expense of the common good, and turns Madison's vision of the American republic completely on its head.

Mr. BROWN. Mr. President, my time is drawing to a close, but I do not want the debate to end without noting this: The future of our country's democracy, the future of our independence, the viability of the separation of powers depends in large measure on making sure that we do not have the phenomenon occur in America which Cicero and Polybius talked about: The eventual concentration of power into the hands of a few people.

One cannot look at our economy and not be dazzled by the enormous concentration of power that we have given to Washington, DC. I defy anyone in this Chamber to tell me how it is possible to read 70,000 pages of new Federal regulations that this Government put out last year. We attempt to regulate the details and the daily lives of the American people. That is not what democracy is all about. It is not about having someone dictate to us how we are going to live our lives and the details of how we do our jobs. Democracy is about letting people make their own mistakes and make their own conclusions and live their own lives.

Yes, Government has a role. It is to protect the country and protect us from each other, but it is not to tell us what kind of plank to put down when we walk across a ditch. It is not to tell us to keep a logbook on how we use Joy dishwashing detergent, which someone in Florida a few years ago was fined $500 for not doing.

It is not to tell doctors to keep a long logbook every time they wash their hands. If Members think we are kidding, take a look at the blood pathogens regulation that this body voted for with only one negative vote.

We tell someone who has 4 years of college, 3 or 4 years of medical school, a couple years of interning, a couple years of specialization, when to wash their hands, when not to and how to keep a log on it. That is ludicrous.

What we have come to in this country is the kind of Government that thinks it is going to run the minute details of how we run our lives, and it is nuts.

The essence of this country is freedom of choice and, yes, even the ability to make mistakes. To suggest you are going to provide a growing, livable, functional, competitive economy, when the Government decides every minute detail of how we conduct our business, is ludicrous and absurd.

To enact a campaign reform bill that makes sure incumbents do not lose is not reform, it is an abuse. To say you are going to tax people and take their money, without their choice, and hand it to politicians they do not like to keep in office is wrong. It is not a reform, it is a self-serving preservation.

This country is strong and able and creative, but it is not going to stay that way if we do not leave the power of this country in the hands of the people who do the work, because the working men and women of this country are the ones who make it work and prosper and make it creative.

This Nation is going to survive just as long as we leave the power of our country in the hands of those people who make it strong.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator's time has expired.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask to speak to the Senate on this issue which is before us and to congratulate the Senator from Colorado for his superb comments on this point.

Before I begin, I also wish to thank the staff of the Senate and the staff of the Capitol for what has obviously been a strain on their lives to be here throughout the evening, into the evening and through the night and be here at this early hour. It is greatly appreciated by myself and I know other Members of the Senate. The dedication of staff that works within this body and works within the Capitol is extraordinary.

I was just downstairs and saw a gentleman who has to be in his late seventies who has worked here for many, many years and has been up all night, as a courtesy to the Senate, Members of the Senate, to make sure as we work through the night, the business of the Senate was done efficiently and well.

He is just one of many, obviously, but an example of the commitment of these people who surround us here and make the capacity to serve in this body so much better. So I wish to begin this statement by thanking them for their time and effort, energy and willingness to put forward and sacrifice, obviously, from their own lifestyles in order to serve and work in this body with us.

There has obviously been a great deal of discussion on the issue of campaign finance reform over the last 17 hours of this debate. It is my pleasure to put my oar in the water here at 5 a.m., which I guess is about 2 a.m. in California. But in England, it is prime time, I believe.

You learn many things when you begin to speak at this hour of the morning. I did learn—and I often wondered coming up Constitution Avenue—why you could never get from one stoplight to the next without the stoplights you are proceeding to going red. I discovered this morning that the stoplights are timed for 4 o'clock in the morning. Driving up Constitution Avenue from the Potomac River to the Capitol, at 4 o'clock in the morning, the stoplights are all perfectly timed. So you do learn things by having an opportunity to speak at this hour.

I do recall, having a chance to speak at this time, a fellow named Oscar Mason who lived down in New Hampshire and had been a farmer for many years. He was in his late sixties at the time this event happened.

One Sunday he got up and went down to church, and because there was another major function going on in town that day, and he had not learned of it, and there was going to be a service later on, the early morning service was rather sparsely attended. In fact, he was the only one who arrived there.

He walked into church, sat down in his pew and Minister Ephraim came in and noticed he was there, so he felt he should give him a service. Minister Ephraim was a person of considerable talents and abilities, and so he started the service off with a hymn, on to a prayer and then went to a few readings, explained the readings of the Old Testament and a few more readings, and explained the readings of the New Testament.

He went on to even give the children's sermon because he had a good one and thought Oscar might be interested in it. And he delivered the offertory and did a couple more hymns and did some responsive readings and gave what he felt was one of his best sermons. It went on for about 30, 40 minutes. He was of the old school ministry. He liked to talk a great deal in the church, and he gave good sermons.

Then he gave a couple more hymns, closed the service and went to the back of the church. Oscar got up slowly and walked down the aisle. Minister Ephraim, as was his custom, stood at the door at the rectory to shake his hand, the door to the exit of the church. Oscar shook his hand, and Minister Ephraim said, "What do you think of the service?"

Oscar thought for a minute. He said, "Well, if I go down in my field with some manure and I only find one stock of corn, I don't dump the whole load on it."

I think that is applicable today. I, unfortunately, want to absorb my whole hour. I have to put the whole

load forward. There is an awful lot to talk about, and I have an opportunity to do that. It is an opportunity which I intend to take full account of.

The whole issue of finance reform is, of course, an issue that rises here fairly regularly. It is an issue that I find to be fascinating and one which I have been involved with myself over the years in my prior activities as Governor of New Hampshire. I had the chance to pass the first major campaign finance reform legislation in the State in over 20 years. And I believe that what we are dealing with here today originally started out to be a good-faith effort to improve the finance laws of the Federal Government relative to campaigning.

Unfortunately, it deteriorated, as is traditionally and typically, regrettably the case. Because when you are dealing with finance reform, I think we all understand that you are dealing with the lifeblood of the political process. Whether you like it or not, whether or not a person can get reelected or whether or not they can sense that they can get reelected or whether their campaign is going to be impacted by some action taken by this body on their reelection is about as close to the heart of a matter of what makes a Member of the Congress and people competing for the job of serving in the Congress.

So as you get from the theoretical discussion of what would be a good way to finance campaigns to the specific discussion of how to do it, you transition from good will and good intentions into the most aggressive and toughest street fighting in the area of politics that exists.

Campaign finance reform, as an initiative, has not been unusual. In fact, much of what we hear about today as being egregious in the area of campaign finance activity was the result of reform. I think we all recognize that political action committees which have become really the whipping boys, women or persons, if I may use that term, of the campaign financing debate to a large extent were actually developed as a reform mechanism.

It was an attempt, and I think it was an attempt that has, in many ways, succeeded, of making sure that we had full accountability in the political financing process.

The original concept in founding political action committees is that a group of people and individuals should be allowed, if they have an identity of interest, to gather together and to support candidates who agreed with their identity of interest or who they thought were going to be positive in influencing and affecting the way the Government functioned.

In gathering together, they should not only be able to gather together as individuals and vote and gather together as individuals and hold signs and pass out literature, but they also should be allowed as individuals to gather together and pool their funds—$25 here, $50 there, $100 there—from their memberships or from their groups, whether it was a labor union or whether it was a group of dentists or whether it was a group of florists or whether it was a group of people who wanted to advocate better mental health, or whatever the group was. They should be able to pool their funds, and then by having 50, 60, 100, 1,000 people who have the same interest, or thousands of people, in some instances, who have the same interest contributing small amounts of money into a basic fund, they would then take those funds and, with spending limits and with distribution limits in place of $5,000 per candidate in the election cycle, just be able to give those funds in larger sums to people who they felt would be supportive of the interest which they are also concerned about.

That is really coalition politics and participatory politics, and the concept was—and I think it was a good one—that it would get more people involved in Government, get more people committed to being involved in Government and, equally important, it would be full disclosure of who was involved in Government, who was participating.

I seriously doubt that in this country there is a race for Congress that does not at some point during that race discuss the issue of who contributed to whom and how much. Certainly in the area of PAC's, they discuss the issue of which PAC's gave to which candidate. There are ads in almost every campaign where PAC contributions are involved. John Jones, who is running for Congress, received money from the XYZ PAC, and XYZ stands for this and the ads of the opponent of John Jones says they would never take money from the XYZ PAC, and people who are voting should not agree with it either and it shows Mr. Jones is going to be influenced by that contribution.

The practical effect of those types of exchanges are exactly what the original reform law intended which was that there would be full disclosure of who gave these funds; that you would know the identity of the interest groups giving the funds; that you would know that interest group was limited in its amount of contribution to a fixed amount more than $5,000 per cycle; and that, if the electorate was fully informed, the electorate could make a decision. And it was the job of the candidate that was running for office to make those points and inform the public as to what was happening. To a large degree, that system has worked because you see it in every election. It is raised as an issue. But, unfortunately, there were more loopholes, there were problems in the process, and there has been a considerable effort to revisit the process and try to improve it. That brings us to this point.

But as I said earlier, when you transition from the theory of improving the process to the specifics of improving the process, you transition from the academic to the most intensely personal and intensely aggressively competed after issue of the political process. The problem is that when you get into the specifics, people try to get in the process.

What we have before us regrettably is a bill which when it was in discussion form was conceived of in theory as being a fair and honest and effective attempt to try to address the problems of campaign financing in this country. When it got into specifics and was delivered and produced, it became an extraordinarily partisan piece of legislation the purpose of which is to create a playing field which is not only not level, but it is more on the precipice. It has more of a geographic terrain of the side of a Mt. Everest. It is almost perpendicular.

That is unfortunate because we have some ideas floating around here for effective campaign reform which would have worked. But this bill clearly does not accomplish that. We have heard about 17 hours of the specifics of why it does not accomplish that. I hope to go into some more of those during this time that I have. But it is unfortunate that it did not work.

In New Hampshire, on the other hand, when we took up campaign finance reform, we tried to maintain a level playing field. We actually came out of some of the basic philosophy that is found in the original concept of this bill that was, unfortunately, bastardized in the process of developing.

When I was Governor we put in a clause that I mentioned earlier. There has been 20 years of reform of campaigns. And the basic law was driven by the belief that the problem was not in the raising of the money because the raising of the money was fully disclosed and the constituents, people who were interested and willing to receive contributions, had the opportunity through their opponents' disclosure and their own disclosure to find out exactly where the money had come from and make such conclusions as they would. That was effective.

The problem really was the fact that there was such pressure to spend so much money in the campaigns. It was really the pressure to spend the money that caused them to be forced to raise it. So we did in New Hampshire use the approach of a cap. But we did not use it in the context that this bill has used it and taken it and unfortunately perverted it. We used it in a fair and honest approach. And it has worked reasonably well. It is a voluntary cap. People can sign up for it or not. Then again it becomes an issue of disclosure.

People sign up for it. It is disclosed and becomes part of the campaign and people can respect candidates who are willing to live by the cap. If they do not sign up for it, then they do not receive that benefit. That is really the only plus or minus—to exceed the cap or sign up for it. In most instances, people running for major office in New Hampshire have signed up for the cap.

In fact, I have lived under a cap every time I run for office or attempted to, although regrettably in the last campaign we ended up exceeding it slightly. But we obviously if the cap had not be there would have spent a great deal more. Only one major candidate in the State or maybe two have consistently ignored the concept. But the concept was a fair one. It was done in a way that basically stuck it to the opposing party in the State.

It is I think an example of how you can do campaign finance reform fairly versus this bill which is clearly nothing more than a partisan attempt to basically gain dramatic advantage. So the party in the majority in the House and the Senate right now can maintain its majority status through the use of funds and campaign financing. It is ironic that in New Hampshire where it has been a fairly strong State that one party for many years with significant majorities in both Houses up until the last session, but still a majority now, did not pursue that sort of course. We pursued a much fairer and equitable course which gave everybody a reasonable chance.

Of course, in this process that opportunity was there, during the process the opportunity to be fair and equitable, to produce a bill that would have been effective and would have actually improved campaign financing and not have done it in a way of burdening one group of people of a political view over the other. That opportunity was there too. But it was abandoned, ignored, not only ignored, it was actually buried. Basically, a great big hole was dug and fairness was put in it and a lot of dirt was thrown on top of it. Instead, we see produced this bill which is such an atrocity of partisanship and a basic attack on the taxpayers of this country in the name of campaign finance.

If you were to ask citizens what they think Congress should focus on, I believe that, although it probably would not be at the top of the list, most would certainly mention campaign finance reform because there is clearly in this country and has been a significant discussion. But I also suspect that they would not want to pick up the tab of campaign finance reform.

That is what this issue is about, to a large extent, because the House and the Senate bills create a huge new entitlement for politicians. Here we are facing some very serious financial problems in this country most of which from the standpoint of fiscal policy of the Federal Government are tied to entitlement programs and their explosion of costs.

In fact, I had the good fortune of—maybe unfortunate good fortune—serving on a group called the Entitlement Commission appointed by the President, the purpose of which is to review how we can try to get some controls over entitlement costs.

One of the conclusions we have come to as the Commission, one of the many, is that if you look out in the future at where this country is going financially, the Federal Government is going financially, we see that by the early part of the next century four major entitlement programs will have absorbed the entire income of the Federal Government, which is an extraordinary situation because after those four major entitlement programs have used up all the income of the Federal Government—things such as national defense, education, research, road construction, bridge construction, buildings, capital activities of any kind, all of these various programs and many, many social programs, worker training programs, social programs for the needy—all these programs will be unable to be funded because four programs have used up the entire Treasury. The four programs are the health care entitlements, Medicare and Medicaid, Social Security, Federal retirement, and interest on the Federal debt.

Yet, with that staring us in the face, we as a Congress continue to consider putting on the books more and more entitlements. This is another one that we are considering. In the health care bill, which was recently proposed and which is now the pending regular order of this body, there is proposed in the Mitchell bill somewhere around seven new entitlements depending on how you define them. But they represent in the vicinity of $1 trillion of new spending over a period.

Now in addition to that huge explosion proposed in that bill, we see entitlement for politicians being proposed in this bill. How incredibly outrageous is that? I mean, at least the entitlements that are already on the books that are being proposed in some of these other plans are for citizens of this country who are in need in many instances or at least arguably deserve some help from the Federal Government in many instances, although in many instances we may not be able to afford it as much as we would like.

But an entitlement program for politicians really takes a great deal of brass on the part of our institution to be proposing. But we are doing it in this bill and the practical effect of it is a heck of a lot of money will be spent.

Mr. McCONNELL. Will the Senator yield?

Mr. GREGG. I am happy to yield to my friend and colleague from Kentucky.

Mr. McCONNELL. First, let me particularly thank my friend and colleague from New Hampshire. I believe yesterday was his anniversary.

Mr. GREGG. Yes; it ended at 12 o'clock. I left this morning at 4. I am not sure my wife understood that.

Mr. McCONNELL. Each speaker has brought his own sort of unique view of this issue. I noticed the expressions on the face of the Senator from New Hampshire as he referred to entitlement programs for politicians and how the public might feel about it. I thought I would share this. I may have mentioned it to my friend off the floor at some point. But I have seen some recent survey data on this.

Suffice it to say, that it would be more popular for a Member of this body to vote to raise its own pay substantially than to vote for this bill. Yet, the majority must I guess assume that this is a terrific idea to be trying to push through an entitlement program for us here at the 11th hour this year.

I can only conclude that we must see the world differently or live on two different planets. I am not quite sure. But I think the Senator from New Hampshire is right on the mark at this early hour raising his eyebrows that anyone could conclude in this 11th hour of this session right before this election this turkey would be greeted with gratification by our constituents.

So I thank him for pitching in. I think the other side may have had some doubt about whether we ought to kill this bill. I hope the doubt is waning. This is the first of three motions. I had completely forgotten the motion to proceed to the ultimate conference report.

So we will be here. I just wanted to really express my appreciation to the Senator from New Hampshire for taking one of the least pleasant hours of this 30-hour marathon. I thank him so much.

Mr. GREGG. I thank the Senator from Kentucky. I would like to especially express my appreciation for the effort he has done which has been extraordinary in focusing the light on this bill. The Senator from Kentucky made a superb point. If you explain this bill to anybody on the street who happens to be trying to do their job and get through their day, but obviously therefore is not focused on a piece of legislation like campaign finance reform in the Congress of the United States, but if you take the time and have the opportunity to explain it to them that this will have this huge entitlement for politicians which will come out of the taxpayers' pocket, they are stunned, they are shocked.

What the Senator from Kentucky has done through this process through orchestrating 30 hours of debate, which the Senator from Kentucky has personally been managing and has been willing to handle almost 7 hours of it personally and has done it brilliantly, has

shined the light on the issue—by shining light on the issue I think he has shown the folly of it, the foolishness of it, and the crass political attempt to gain political advantage by this bill.

I certainly congratulate him for his extraordinary efforts. I am not only happy to participate in this cloture discussion, this period of post-cloture discussion, but as the Senator goes forward with his other three, I look forward to having the opportunity to do that also and feel very strongly that he is on the right track in trying to inform the American public of how ridiculous this is and the foolishness of this bill, and the fact that the bill is structured not to create effective campaign finance reform but the bill is basically structured for the purpose of gaining a political advantage and tilting the playing field as I said earlier of what amounts to about a 90-degree angle.

So I thank the Senator from Kentucky for going through this, and I am amazed the Senator is still awake considering the hours he has been putting in this evening, all night. And I am impressed, to say the least, by his ability to carry such a heavy and long day.

As I was saying, this entitlement program is just a shock. It is beyond comprehension how we can move down the road of a brand new entitlement at a time when pressure is being put on this Government so aggressively by other spending programs which we already have on the books and where we are putting ourselves as a Government in a position of essentially mortgaging, as has been said before, the future of the next generation, as we spend these huge amounts of dollars which we do not have in the Treasury of the Federal Government for the purposes of creating new programs, and in this instance a crass new program, the sole purpose of which is to reelect members of the party which is in the majority.

And, of course, it is equally ironic that not only will the taxpayers pay for this but the next generation will pay for this because the money to pay for the entitlement is not there, and so it is going to have to be borrowed or taxed, and in borrowing for that leaflet that is put out on the street that is printed that says I am the best person to elect, which is going to be paid for with taxpayers' funds, a little piece of paper that has a life span of maybe 2 seconds as it is handed to the person walking down the street, that piece of paper is going to incur a bill which is going to have to be paid by the children of the people who are voting. And what an outrage it is to put that sort of burden on the next generation for the purposes of creating a political fund from the taxpayers to take care of politicians.

These bills set conditions that if met will result in a variety of benefits to each candidate, and as has been mentioned a great deal of it cannot be mentioned too much in my opinion—benefits which are paid for by the taxpayer. The benefits include a communication voucher, a 50-percent broadcast discount, which by the way is a huge unfunded mandate.

At some point, we have to face up to the fact that we cannot as a Congress continue to pass on these unfunded mandates. We pass them on to local and State governments. We pass them on to private investors, the private sector. We pass them on to private employers and now here is a whole new idea. We are going to just pick one special industry and we are going to hit them with an unfunded mandate through a broadcast discount.

Why should a local radio station, which is probably, at least in New Hampshire—in many instances, most of our radio stations are small. We have some big ones, and we have some that are owned, some fairly large groups of stations, but the vast majority of radio stations in New Hampshire are just stations started by somebody who had a real interest in radio. Maybe they were a ham radio operator at one time or something but they started their radio stations because it had always been their dream, and it is no different than the local restaurant or grocery store. It is a business run by usually a small group of people and sometimes just one family. And it is a tough business sometimes. It is tough to sell the advertising and make the station work. It is difficult to do it especially in hard economic times. Sometimes advertising becomes the first thing cut in hard economic times.

Why should we say to that person who runs a small radio station, or any radio station for that matter, well, we, the politicians, have decided, we here in Congress have decided you are going to support us, that you are going to have to give us a 50-percent discount.

What right do we have to go to these people and tax them like that? Because that is what it is. An unfunded mandate is a tax. We are saying you specific class of people, you people who happen to be the owners of radio stations must bear the burden of our desire to have the capacity to use your airways that you are going to have to pay for—we are not going to have to pay for, you are going to have to pay, you who run the radio stations.

Well, the argument is it is public trust, public trust in receiving the license for the radio station or television station, and I do not argue with that, there is a public trust in that. But with that public trust should not come a huge unfunded mandate or new tax burden. There are clearly a lot of things which are required to be done of radio stations in the public interest, but this is an extraordinary one. The cost of this would be overwhelming to many stations, and they have to take the advertising. They do not have any choice under our laws. And as a result many of them would be, I suspect, confronted, small stations, with severe financial problems as a result of this unfunded mandate.

In addition, there is a mailing discount. There is a matching fund to counteract independent expenditures. There is matching funds to counteract proponents who spend over the voluntary spending limit. How much is all this going to cost?

Well, we really do not know. Nobody appears to have been willing to tell us what it is going to cost. But I have to presume it is going to be an extraordinary amount of money. And where is the money going to come from? Once again, it is going to come from unfunded mandates which are taxes. It is going to come from direct taxes, and it is going to come from taxes on the next generation because we are going to have to borrow a lot of it.

The effect of how we calculate this cost is hard to tell. But we have an estimate from the Democrats of $90 million to provide matching funds for House candidates, and $90 million seems rather low to me. The figure I believe comes closer to $174 million, if only Republican and Democratic nominees in the House races accept the funding. You have to remember in many States other people will be qualifying for these funds. In New Hampshire, for example, we have a qualified Libertarian Party, and I know that in New York they have a variety of parties. You can never keep track of how many different parties there are in New York.

Mr. MCCONNELL. Will the Senator yield?

Mr. GREGG. I would be happy to yield to the Senator from Kentucky.

Mr. MCCONNELL. We know in the Presidential, the enticement of the public subsidy has produced candidates with such well known names as Lenora Fulani and Lyndon LaRouche. I think it is reasonable to assume—Lyndon LaRouche, by the way, received tax funds for President while he was in prison. Lenora Fulani, a resident of New York—well, we do not call people Communists anymore in this country but she calls herself that—got a couple of million. I think it is reasonable to assume, as the Senator from New Hampshire is pointing out, that virtually anybody in America, once they discover, who may have looked at the mirror in the morning and said, gee, I think I see a Congressman or Congresswoman, when confronted with the potential of having the taxpayers fund that trip could find it incredibly enticing. So with regard to the estimate of what this might well cost, I think it will be a broad industry. And, of course, the flip side of that as all these tax dollars go out to all these candidates, of course, it is going to allow for a Federal Election Commission the size of the Veterans' Administration.

It is an interesting question the Senator raises, about just how much could this cost. We have a lot of experience with estimating the cost of Federal programs over the last quarter century, all of them for a much better cause than this one and all of them the estimates have dramatically been on the short side. So I think the Senator is raising an interesting question here. We speculate as to what the ultimate cost of this new entitlement program for us may be to our grandchildren.

Mr. GREGG. I thank the Senator from Kentucky for his comments. I think they are well taken, especially with regard to Lenora Fulani. I am not sure I am pronouncing her name correctly. That situation comes to mind because in New Hampshire where we have the first in the Nation primary, she qualified for the funds as a result of some of her activities up there, and there was no question but in my opinion she was involved in this election for the purposes of getting the campaign financing money. And where was it spent? How was it spent? One suspects—there are no limits on how it can be spent. Obviously, if she wanted to spend it on herself or on her staff in a very lavish way or on anything else—and I am not saying she did, but the implication is, or the opportunity for abuse here is extraordinary.

Mr. McCONNELL. Will the Senator further yield about Ms. Fulani?

Mr. GREGG. I would be happy to yield.

Mr. McCONNELL. As we attempt to keep ourselves awake at this time in the morning. This is the Washington City Paper. I am not quite sure what that is. It is one of the many entities in America using the first amendment, which will still be available to everyone except us after this bill passes. There is a whole article here called, Lenora and the Money-Go-Round or How the 1992 Presidential Campaign of Lenora Fulani and * * * Dr. Fred Newman Reaped $2 Million in Federal Election Commission Matching Funds, a whole article about the scam of Lenora Fulani under the Presidential system.

Just multiply that conservatively times 535, and I think the insomniacs who may be watching us at this time this morning may get the message of what kind of massive Federal program the Senator from New Hampshire is discussing.

Mr. GREGG. I thank the Senator from Kentucky. I did point out prior to the Senator's speaking that we are on prime time in New England right now so those folks, I am sure, are very sharp and on top of what we are saying. But the Senator is right. The opportunity to game this system once it is set up is extraordinary. And who is being gamed? The American taxpayer is the one who is going to get gamed here because every time somebody decides to pursue elective office, not so much to obtain the office because they do not have an opportunity to win but in order to obtain the additional funds that are available to them, it is the taxpayer that is going to pick up the tab.

And, of course, on top of that outrage is the fact that—and this has been discussed here a great deal—is the fact that you are compelling the taxpayer who works very hard for their money, the person working at—there may be a few people watching us right now, and I suppose some of them are folks working at all-night truck stops or early morning breakfast spots, and they are waitresses or they are cooks and a percentage of their wages is taken out every day for taxes. And those taxes are hard earned. And yet they are going to be asked to take those taxes by our estimates just in this one area of the match and end up funding people who they do not agree with, people who they vehemently disagree with. And what an outrage that is. How unconscionable is it for us as a government in our arrogance to say to somebody who is working hard and maybe just barely making it but still paying taxes from that hard earned dollar that they are making is going to fund somebody who they cannot stand politically or maybe personally or for any other reason.

That is to me unconscionable, that sort of compulsion to put on the American taxpayer but that is what we are doing here. We are saying that the taxpayers—we have already done it in the Federal election system unfortunately. The abuse there is obvious through this Lenora Fulani situation. I think there was also somebody who called himself Chief Red Cloud who may have qualified for Federal funds who was—I do not even think he was of Indian ancestry. He just used that term in order to get name recognition out there. But the concept is that our tax dollars, hard earned tax dollars, are going to be taken from most American citizens who pay their taxes because they believe in government. They believe in this country.

But the fact those taxes once taken are going to be allocated in this way is really outrageous. And when you talk about how much money is being spent here—try to put it in context—when we talk about millions of dollars or billions of dollars that we talk about around here—people cannot appreciate it.

But the amount of money, tax dollars, that will be spent on this one part of this campaign finance reform, tax dollars taken from the taxpayer and reallocated by the terms of the majority party in this Congress, that amount of money would almost run the State of New Hampshire for 6 months. You say New Hampshire is a small State. It is a small State, but still we could use that money to run the State of New Hampshire for 6 months and I am sure we could use it for a lot of other good things that would be positive throughout this country. Who knows, $200 million, which is one of the estimates here for one of these accounts? That is a lot of money. Think of what you could do just right here in the District of Columbia with $200 million in improving the school system, which is disastrous in this city, or getting more police on the street right here in the city of Washington.

So, there are so many more priorities that make so much more sense and which are so less contentious than taking people's money and allocating it to somebody who they totally disagree with politically. That is a very critical issue here.

The Senator from Kentucky has talked about it eloquently earlier—yesterday, I think it was. The issue of first amendment rights and the impact on the first amendment relative to this issue of taking from somebody and giving to somebody else and limiting the ability of people to participate in the process through this whole scam or scheme—actually it is a scam that has been put forward in this bill. So it is all tied together and it is an outrage that this would even be considered. But it is being considered.

Initially I was talking about costs and I think it is critical to understand that we are facing a $4.3 trillion debt right now which we cannot pay for. We are facing this year a budget deficit of $200 billion. And this is just more piling on, because not only will taxes be taken from the American taxpayer and inappropriately applied to people they do not support, but it will be taxes which I have mentioned we cannot afford. And it will be a new entitlement which we cannot afford.

I think it is also important as we discuss this to discuss the issue of PAC contributions. Because they are obviously a flash point for political activity. In my discussion I went into a little background on PAC contributions. But I think it is important to go into some more detail on them because, of course, they become the whipping boy. PAC's have become the whipping boy around here. And their usage has been unfortunate in many instances.

The Senate bill as it was passed would have banned all PAC contributions. I guess if you do not like PAC's you cannot ask for much more than that. This was a Republican amendment, this proposal, to ban all the PAC contributions. But the House rejected this. They rejected this and they included the $10,000 PAC contribution cycle which we presently have.

You wonder why they rejected it? Basically they rejected it because House campaigns live on PAC contributions. I suppose it is unfair for us to judge our colleagues in the House and say they should, they should not, pursue PAC

contributions in so aggressive a way. But in 1992, 52 percent of the campaign receipts of the Democratic House Members were PAC contributions.

If you are going to talk about campaign finance reform, how can you talk about it and not address the PAC issue. Yet they have done that. I think it just shows how fallacious this bill is, how truly skewed this bill is. This is not an attempt to reform campaign financing. This is an attempt to use the Federal law to improve the capacity of the Democratic leadership and the Democratic membership—especially of the House—to maintain their position. As such, it is an extraordinarily partisan bill with very little fairness in it.

PAC's give an overwhelming advantage to incumbents. All you need to do is look at the statistics of that. PAC contributions—86 percent of PAC contributions go to incumbents running for reelection; $161 million in 1992 went to congressional candidates but of that, only 15 percent, $24 million went for candidates running for open seats. So you can see most of the PAC contributions are going to winners.

When you look at some of the funds that have been developed by some Members of the Congress who are in seats which are rarely if ever contested, you recognize that PAC contributions many times go to candidates who do not have any opposition to speak of to begin with. Yet they obtain huge amounts of funds because they are sure winners. And the American people are upset about that.

So, if you want to really reform the campaign situation then you ought to level the playing field and eliminate all the PAC's, which is what the Senate has proposed. But most important you need to address the issue of soft money because soft money is raised for and spent on activities conducted outside the Federal election laws. It is money spent on behalf of a specific campaign or slate of candidates or political party. Soft money is not subject to regulations or limits under Federal law. It is undisclosed and it is unlimited.

The problem is not with the activities that soft money supports, phone banks and "get-out-the-voter" efforts and bumper stickers. The problem is with the lack of disclosure and limits. If you shine light on the issue and show where the money is coming from and who is getting it and how it is coming out, then the public can make a decision on it, as they do to a large degree right now in the PAC area. But when you have the money coming in the back door and going through basically a number of different committees and being lost in the shuffle, it is impossible to adequately explain where it is coming from.

Basically there are two types of soft money. There is party money, which comes either from Republican or Democratic Party, and then there is nonparty money, which comes from labor unions and tax exempt 501(c) groups. The real problem is not the political party soft money, however, but the unregulated, unreported, unlimited, special interest soft money spent by the labor unions and other groups operating with a tax exempt status.

There is a fundamental difference between the two types of soft money. That is political parties, on the whole, do not have a legislative agenda. The only requirement for support is the candidate be a viable candidate for the party. There is no issue litmus test, usually.

This is not the case with sources of soft money. We have seen all sorts of litmus test soft money situations, whether it has been labor-union driven or tax-exempt special-interest-group driven. Again, that is fine except that nobody knows it is out there. Nobody can find it. Nobody can effectively trace it. And it comes in huge amounts.

If you do not support people who pour the soft money in, then you find Members of Congress being put under threats. These threats carry a lot of clout.

It has been estimated that more than $100 million in special interest money is spent in each election cycle. This money allows the groups to exert a tremendous influence on the electoral process. Labor union soft money comes mainly from compulsory labor union dues. The National Right To Work Committee estimates they receive $5 billion annually from compulsory union dues. This money subsidizes PAC overhead costs and allows 100 percent worth of contributions from union members to go directly to candidates.

On the Republican side—I know the Senator from Kentucky has been active on this issue, has led the fight to close this special interest soft money loophole by attempting to codify the Beck decision by requiring disclosure and limits in soft money. But does this bill do that? No, it does not do that. Why does it not do that? Because this bill is not meant to improve the situation. This bill is not meant to level the playing field or to make for greater disclosure or to make the issue of campaign finance fairer. This bill is meant to protect those things that work for one party and make sure that the other party does not have the plans to be on a level playing field with the party that is in the majority.

My colleagues may remember, and there has been a lot of discussion about this, that the Supreme Court held in the Beck case that Mr. Beck had the right to a refund for the portion of his dues to the Communications Workers of America used for political purposes. The Republicans were successful in adding amendments to address the soft money issue and to provide some disclosure of nonparty soft money. Democratic Members of the Congress accepted these provisions only to gain final passage of the bill. It is certain these positions will face a hostile environment in conference.

With regard to party soft money, both the Republican and Democratic National Committee raised money to support the Federal and State and local candidates. Money raised to support Federal candidates is hard money. Soft money is money raised to support State and local candidates but which indirectly benefits Federal candidates and may or may not be covered by State law but it is not covered by Federal law.

Many States have campaign laws that allow parties to spend considerably more money for voter registration and for their party building activities. Republicans have been successful in raising money and have benefited somewhat more from party soft money than Democrats. Democrats who traditionally benefit more from labor union soft money are also benefiting since the election of President Clinton, more than in the past, with party soft money.

Given these facts, it is not surprising the Democratic proposal is to restrict soft money and focus entirely on the party soft money while leaving the pro-Democratic soft money or labor money untouched.

Mr. McCONNELL. Will the Senator yield for a further observation?

Mr. GREGG. Yes, I will be happy to yield to the Senator from Kentucky.

Mr. McCONNELL. David Broder, whom I think we all agree is the premier political reporter of our time, opposes this turkey of a bill and the reason is what it does to the parties. He said what these people—I am paraphrasing his observations —but he said what these people ought to be doing is strengthening parties, not weakening parties. And the effort to get at so-called soft money in this bill is only party soft money. The other kind is nonparty soft money which I believe the Senator from New Hampshire has alluded to which is not touched at all by this bill. That is expenditures on behalf of labor unions or environmental groups or others on behalf of candidates. But the only point the Senator from Kentucky interjects to make is, by what good government standard do we weaken the American two-party system? What positive goal is achieved by crafting a piece of legislation that is dreaded, feared, and despised not just at the Republican National Committee but I am telling you they feel the same way over at the Democratic National Committee about this bill. And here we are trying to hurt the American two-party system. Maybe in addition to David Broder that is one possible explanation for the fact that virtually every political scientist in America thinks this bill is awful.

So, you have the academic community against it, you have the two parties against it. Although at the DNC they have the gag rule on and they cannot say it, we all know it. It is a fact. You have the premier political commentator of our time, David Broder, against it. Yet we persist in trying to do this.

So I just thank, again, my friend from New Hampshire for bringing up these issues, they are so important. And one of the reasons in addition to killing this bill—for which we make no apologies, that is what this is about—but it is also about making sure the public knows more about what folks were trying to do here at the 11th hour of this Congress.

Mr. GREGG. I thank the Senator from Kentucky, because he does, obviously, understand the nitty-gritty of what is really going on here better than anybody else. His initiative in undertaking this discussion has been, I think, to inform everybody else, not only the Senate, but in the country as to what is going on. I think he touches on a core point here. The support for this bill does not exist outside of the cadre of people in this Congress who want to be reelected and who are in the majority party.

When you cite people like Mr. Broder, who I have immense respect for, but who is clearly a gentleman who comes from a liberal persuasion and from the commentator ranks—and he is of enormous capabilities and I appreciate his ideas immensely—as being in opposition, when you cite the fact that people who have studied campaign finance reform across the country—and a variety of newspaper people beyond that have looked at this. Even Roll Call, which you would think might be inclined to support something like this because it is an institutional magazine, stated its severe reservations. I would like to read that editorial in a second.

It is clear that what is going on here is an attempt, in the last days of Congress when so much goes on that you cannot keep your eye on it, when so much legislation is passed, and a lot of it bad, that in the last days of Congress, they are trying to put through a bill that is essentially an attempt to take the playing field and tilt it dramatically, an abuse of the minority through the majority process.

The fact that the Senator from Kentucky decided to stand at the bridge and be the Horatio of this battle is something that deserves great credit. I expect he will be successful. I will certainly do all I can to support him in his efforts. Along with what he is saying, let me just read from the Roll Call editorial of August 16, because I think it is relevant to the concerns here:

Speaking of Gridlock. You would think campaign finance reform would be a sure bet for passage this year. President Clinton listed it as a top priority. The Senate has actually passed a reform bill. House leaders say they want to enact a bill this year. Good Government groups demand reform, and Ross Perot insists on it.

It is just a matter of time, right? Wrong. Just as it did in the last session, Congress is contriving to look busy on the subject of campaign finance reform while in fact getting nothing done. In the 1992 campaign for reform, public financing actually passed, but it will be a charade. Democrats knew President Bush would veto it and he did. This year, with a Democratic President, Congress must find other ways to avoid action. However, should a bill actually pass and be signed into law, it is likely to contain a poison pill—an unconstitutional provision that would induce candidates to accept voluntary spending limits by taxing their contribution if they do not. So that is what a veto delaying gridlock can accomplish as well.

So what this editorial is saying is they want campaign finance reform that is real, campaign finance reform that does not create a spending limit which would essentially end up taxing the American taxpayer and, more importantly, create a situation where you have basically tilted the playing field so unconscionably against one of the parties and against the basic right of free speech in the citizenry that you end up with a situation——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GREGG. If I can finish that sentence.

Mr. McCONNELL. I want to, again, thank my friend from New Hampshire for getting up at this early hour and coming to the rescue, so to speak.

Senator BOND is here. He will be out momentarily.

I just want to say that this has been a most extraordinary experience. We have had more people seeking to participate in this effort than we have time. Who would have thought that we would even have backups in the morning. But for the first team that came in for the morning, my special gratitude. Go home and get some sleep, and we will use you in round two.

Mr. GREGG. I thank the Senator for organizing this. I hope he makes it clear that the support which he has for this is there because there is very strong, legitimate concerns amongst many Members of this Senate that this bill is a terrible bill and it should not be forced on the taxpayers of this country.

Mr. McCONNELL. I thank my friend.

I see the Senator from Missouri is up and bright-eyed this morning, ready to go to work.

Therefore, I yield the floor.

Mr. BOND. Mr. President, I thank my colleague from New Hampshire.

I express my deep appreciation to my colleague from Kentucky for his leadership role he provided to this body in assuring that when we deal with campaign finance reform or other types of reform, it is meaningful reform, real reform and not posturing.

Nor, as I say to my friend from Kentucky, if our friends are watching back in Kentucky or Missouri, this is normally the time they would be giving the farm reports and the weather—I was unable to pick those up as I came in. We appreciate those who have stayed with us, particularly the staff of the Senate, who have been faithful as always in performing their duties, and my special appreciation to the Chair.

Mr. President, the last couple of months have been very revealing to Americans, as they are getting a close-up look at how legislation is often handled around here. They have seen Congress take up thousand-page bills that few have seen until they are plopped down on our desks the day before the vote. They have seen weekend marathon conferences produce huge, multi-billion dollar bills that Members are forced to vote on with little or no time to consider what they are doing. And they have watched with great dismay as provisions never before seen or voted on suddenly appear in a final bill.

A few years ago, I was involved in one of those activities when we found that we passed a highway bill and it turned up that it had a courthouse in it. It is a long story as to what happened with respect to that, but it was a classic example that the people in my State have remembered as an example of what happens when this body and the other body do not have adequate time to reflect upon and to be fully aware of all provisions in a measure.

I have been impressed by the movement around the country, seeking pledges that Members read the bill first before they vote. I have been besieged by people in my State who have stopped me on the street, who have stopped me at the shopping centers, to say do not pass anything you do not read.

Well, the fact of the matter is, up here, we have so many long, lengthy complicated bills that are put together at the last minute, even some that are put together after they have passed, that it is very difficult to get all of the bills read.

When I was Governor of Missouri, I served two terms, and I had to decide whether to put my signature on each bill that came to my desk. I have a great deal of sympathy with those who argue that Members of Congress should take the time to read and understand the bills which come before them. I found that while the bills were shorter, it may be that in the State legislatures, we did not have the staff, and that makes me think that perhaps if we cut back on the staff, there would not be the people to draft the lengthy bills. Nevertheless, I had the experience, as Governor, of pointing out to sponsors of legislation that drafting errors had caused significant problems in the measures that were passed by the legislative body there. On several occasions, at the request of the sponsor, I vetoed measures and formal signing

ceremonies because they had contradictory, conflicting or totally unintended consequences.

Well, as we come down to the final days of the session and the time dwindles away, more and more bills are coming before this body in a shorter and shorter timeframe, and the possibility of mischief becomes greater and greater. This is, of course, where we find ourselves today. Campaign reform is a catchy title, and when anybody starts off by saying "I am for campaign reform," you always see the group you are speaking to smiling and thinking I am sure it needs to be reformed. But I caution my colleagues and friends to beware about those who wave the word "reform," because too many times it means just the opposite.

After all, it was some 15 months ago that the Senate passed a bill and 10 months ago that the House passed its bill. So why has it taken us so long to do anything? And now, with only days remaining in the session, why is this issue sprung back to life? Well, the easy answer is that the only way to get something like this passed is to ram it through at the end of the session, when people are actually afraid of being against quote "reform" and do not actually have the time to read the bill itself, which brings us to a basic question: What is campaign finance reform anyway?

To the casual observer, it is simply needed changes in the laws which govern how campaigns are run. Who can contribute? How much? And who and what must be disclosed? Should we require a sweet, older person who gives $5 to fill out a form, or should we just report contributions over $250? Can companies or corporations give? What about unions? What about a group of individuals who band together, can they give as a group? How about individuals or children? Should there be different limits for the amount people can give if they are in the State or the district of the person who is seeking that particular office? Or should there be a higher limit for them than for those who are not constituents, who come from outside the State, or who come from a different district in the State?

Reform also raises questions about how outside groups should be regulated. Should they and can they, under the Constitution, be regulated at all? Should labor unions or organizations like the NRA or the Abortion Rights League be able to spend huge sums for or against their favorite candidates, and what if anything should be disclosed? Should they be allowed unlimited expenditures as long as they do not coordinate with a candidate they support? What is coordination anyway? Does it mean you cannot use the same printers, or the same pollsters? Does it mean you cannot coordinate or plot strategy? How many overlapping people can there be between a campaign and a so-called independent expenditure? Is any kind of coordination possible or permissible? When does it become not an independent expenditure?

As we can see, the questions quickly outstrip the easy answers. Then when you add in a wild card in this case, unlike, unfortunately, most other pieces of legislation, Congress will actually be affected by the provisions of the bill. That is a rare and unusual circumstance—too rare, I might add. Well, you can understand why the issue never quite seems to be resolved as easily as it should be.

I want to touch on part of this issue in more detail. We have to remember that whenever Congress takes up campaign finance laws, not only are we affecting potential constituents and contributors, but we are literally changing the rules of our own reelection game. When this happens, our constituents, the people of America, better be watching very closely. Yes, this is when sunshine and full airing and full disclosure is particularly important. I do not shy away from the responsibility.

We are required to pass laws and, yes, in this case we are required to deal with legislation that affects us. I think the best way we can do that is to do so openly with full disclosure, so that our people, our constituents, voters from other States, the citizens of this country know full well what we are doing, then we can answer to them. We can say, yes, we handled your trust in a manner that is worthy of that trust, or they can say we do not like what you did but at least they ought to know what we are doing when we are changing the rules of our own reelection game. The leadership always tries to accomplish a political goal of not hurting themselves and their party. This means that Democrats have traditionally opposed changes which they view are hurting their reelection chances.

I would be the first to admit, and certainly no one would deny, that Republicans have done likewise.

Yes, there is always the temptation to deal with campaign finance reform in a way that will be beneficial to our party or to the situation in which we find ourselves. And that is one of the reasons we need some tests, some standards. Even the simplest of reforms is difficult to pass.

Now, a few years ago—and I thought this was one of the better things that our leadership has done on a joint basis—a bipartisan commission was set up to try to come up with changes that did not tilt the playing field toward one party or the other.

The campaign finance reform report to the majority leader and the minority leader of the U.S. Senate—which happened to be delivered on my birthday in 1990 by a campaign finance reform panel of Herbert Alexander, Jan Witold Baran, Robert Bauer, David Magleby, Richard Moe, and Larry Sabato—have, I think, some very, very important guidelines that this body should consider and that the people of America should consider when they are judging the effectiveness of campaign finance reform. Does it meet the tests that the people of America have a right to expect?

To quote a portion from this report delivered March 6, 1990, in the introduction they say—and I am going to select pieces of the report. I am not going to give the entire report but just the relevant portions of the report. In the introduction the group of distinguished outside observers said:

> You have asked us to consider the issues involved in campaign finance reform in an effort to "stimulate discussion and perhaps even break the legislative logjam in Congress."

I would add parenthetically that while they did an excellent job, I do not think that we have yet seen the legislative logjam broken, because their good advice was not followed, and as a result that is why we are in this situation early this beautiful morning.

But to return to the report, it said:

> Each member of this task force has devoted years to the issue of campaign finance, either in political or academic life or in law practices, and each has brought to our discussions strongly-held views on certain of these issues. On some of these issues, these views were very different. All of us, however, took seriously the charge contained in the letter to us dated February 8, 1990, which called upon our most creative efforts to consider alternatives to pending proposals for reform * * * all of us believe that the overall package of reforms is balanced and stakes out a constructive middle ground on many of the issues which have proven most divisive over the years.

Further on in the report they say—

> * * * readiness to make repeatedly changes in the laws invites a struggle for partisan advantage which is waged in the name of sound public policy but primarily in the interest of successful electoral competition.

The authors of the report go on to say:

> This is a dangerous trend. Because the law in question affects fundamental rights of political speech and participation, it should be amended only with great care to achieve narrowly, neutrally defined policy objectives.

And to that, Mr. President, I would add an amen. They have pointed out precisely the danger that we are dealing with in our discussions here today. They have warned us against legislation which seeks to gain narrow partisan advantage by continually changing election laws seeking to give one party or the other advantage at the polls, rather than seeking to ensure the effective operation of the political system and the selection of candidates.

Returning to the report, they say:

> Accordingly, throughout our deliberations, we made every effort to define the goals which are properly pursued in reform of the law at the present time. These are, in our view:

No. 1—

Avoidance of substantial danger that political contributions and their solicitation will unduly influence the official conduct of elected officials.

No. 2—

Allowing robust political debate and activity, but seeking, where possible and constitutional, to encourage the development of sources of funding which expand political participation and limit the potential of undue influence or corruption.

No. 3—

Enhancing public confidence in campaign financing by structuring a system which is comprehensive, well-enforced and, perhaps above all else, characterized by timely and thorough public disclosure.

Mr. President, I highlight that word "disclosure." I will come back to it shortly, but I think they have hit on the ultimate means of assuring effective campaign finance reform, and that is through disclosure so that the people of America, the voters, our constituents, will know how Members of this body and the House have been elected and whether they have done so with any evidence or any impropriety suggested by the means of running their campaign.

The fourth principle is, according to this group of experts:

Accounting for and neutralizing as much as possible disproportionate competitive impacts of any reform, such as impacts on challengers, independent candidates, minor political parties or between major parties.

Next.

Structuring a system of enforcement which produces timely results on major issues, avoiding excessive or punitive attention to minor infractions and seeking as much to advise political participants on avoiding violations as to determining and pushing such violations.

I think those items provide a good test by which to judge proposed political campaign reform.

Yes, we do have to have a system of enforcement. I believe that most Members of this body on both sides of the aisle and in the other House want to follow the law. For the occasional person who wants to get around the law, however, there has to be a system of enforcement. For the most part, I believe that the bodies that enforce these laws now are called on most frequently to interpret the law, so that there can be voluntary compliance which I believe occurs in a vast majority of cases.

Now, the report lists a number of items which I think are very important, and I will jump to page 41 of this report which includes a summary of recommendations. I want to point out that this body of experts sought out by the majority and minority leaders have proposed campaign finance reform that provides no new entitlement, no taxpayer-financed boondoggle, no Government takeover of the funding of campaigns. Here is what they recommended.

No. 1—

Flexible spending limits, which are reasonably high, do not limit significant party support * * *

I think that is very important—

Do not limit significant party support and limited donations from in-State contributors * * *

Enhanced role for the political parties for research and certain defined types of voter registration and get-out-the-vote activity and for the acceptance of individual contributions.

I might note here parenthetically that in my State, in Missouri, there has been recently passed a measure which does significantly interfere with the ability of parties to make political contributions. You would ask, would that happen? Well, it happened in my State I believe because my party, in the minority in the Missouri General Assembly, has been very effective about encouraging party activity to assist and support candidates for local State and Federal offices. I think they have made the mistake of trying to cut parties out of the political process because it was to the partisan advantage of the party holding the majority in the legislative body to do so.

I would cite to my colleagues the work and the many writings of a gentleman I respect greatly, David Broder, who has written in the newspapers across the country and in books about the importance of maintaining parties as part of the political process. He has encouraged that we strengthen rather than weaken the role of political parties, and I believe that his writings, his conclusions reflect a well thought out view and a well reasoned view that parties can provide some cohesion to the political process.

Do they provide discipline? No, not much these days. But at least they provide a cohesive body of views and direction that can be very helpful to the citizens in determining what direction they want their Government to go, which party do they want to have in control.

But I digress. Let me return to the summaries of recommendations. The second recommendation of this body of distinguished observers of the political process was:

Individual contribution limits increased modestly and the annual limit reexamined.

No. 1, they say:

Political action committees may contribute up to a specified percentage of candidate's spending limit.

In this they recommend continuing political action committees. We have heard a lot of talks about political action committees, but frankly have been unwilling to say let us cut out political action committees. But let us remember that political action committees were set up as a means of campaign reform, they were set up because you did not want corporations, labor unions, and others, contributing directly from their resources. So they said if people want to band together in political action committees, so long as they meet the standards, then they can contribute. They can participate.

I think that we have seen, particularly in the other body, examples of how political action committees become dinosaurs, support those who are in the position of leadership and provide an uncompetitive means of reelecting incumbents by channeling all of their contributions to incumbents.

I am happy to yield to the Senator from Kentucky.

Mr. McCONNELL. Just to elaborate on the point my friend was making with regard to the PAC's and how they love incumbents. This is just for the majority party in the House.

In 1994, just picking out the majority party in the House, in the 1954 cycle, 52.3 percent of the moneys come from PAC's. In the 1992 cycle, 51.4 percent from PAC's. In 1990, 52 percent from PAC's. Clearly as the Senator indicates PAC's love incumbents.

Mr. BOND. Mr. President, I thank my friend from Kentucky for pointing that out. I would say that while those overall figures are high there will be particular candidates whom I believe—particular office holders—who receive even higher amounts. And I think that is cause for concern. I think voters ought to look to see who is supporting that particular candidate.

Is the officeholder, is the incumbent, who supposedly represents the constituents of his or her district or State, being financed by people in that district or State? Or are they receiving significant resources from outside their district or State?

To me, that is always a test to see how well the particular candidate, whether it be incumbent or challenger, is going to represent the views of the district. Who is providing the resources for that campaign? I think that is one test, one of many, certainly not the exclusive one, but that is one of many that the voters ought to apply when they take a look at the record and the total picture that each candidate presents prior to election time.

Now this group of independent observers goes on to propose:

Free broadcast time to parties for use by congressional and other candidates.

Mr. President, I have some problem with that. Free broadcast time? There is no such thing as a free lunch. If you are requiring somebody to give away free broadcast time, are you taking property? Are you taking a valuable right? Where do we get off telling a for-profit business or even a not-for-profit business which normally sells its advertising time that they have to give it away? To me, that begins to smell a little bit of the heavy handedness that sometimes Congress exercises when it controls or directs or affects the rights of people in its jurisdiction.

Mr. McCONNELL. Will the Senator yield?

Mr. BOND. I am happy to yield.

Mr. McCONNELL. Both Senator KEMPTHORNE, earlier in the evening, and Senator GREGG, right before the Senator from Missouri, pointed out that that sounded an awful lot like unfunded mandates to them.

Here we are, Senator KEMPTHORNE particularly leading the fight to try to save State and local governments from unfunded mandates. Mandates are irresistible to us. And, as the Senator from Missouri pointed out, it is like a big, fat unfunded mandate on the broadcast industry.

Mr. BOND. Mr. President, I thank my friend from Kentucky, and he is quite correct, we have in this body a great need to take a look at unfunded mandates.

My friend from Kentucky pointed out that the Senator from Idaho has been very, very strong in his support on behalf of State and local governments of rolling back the tide of unfunded mandates.

I came to this body, as a former State officeholder, very much concerned about the burden of unfunded mandates passed on to the States in the 1970's and 1980's. My colleague from Kentucky and Senator KEMPTHORNE from Idaho have come from local governments where they also have the burden of unfunded mandates.

I believe there is an increasing awareness of the difficulties of unfunded mandates and the impropriety of those of us who represent the Federal Government of telling State and local governments what they must do with the money that they raise from their taxpayers.

But I would suggest that that concern over unfunded mandates not be limited just to Government. It ought to be applied to the mandates that we apply to the private sector. Are these controls warranted, necessary regulation? I think requiring operators of radio and television to give free broadcast time goes beyond that. If goes to the taking of property that should not be done on our Constitution without compensation.

Now let me go on to another recommendation of this group. It says:

> Bundling prohibited for corporate and labor PAC's, and other separate segregated funds established and financed by incorporated entities such as trade associations, and for registered lobbyists. Full disclosure and application of contribution limits required where practice is permitted.

Now, Mr. President, some of the most aggressive and active proponents of campaign financing reform happen, in my view, to be great practitioners of bundling. I have heard of—and I cannot say from firsthand knowledge—a number of candidates who have proudly beat upon their breasts and said, "I don't take any money from political action committees. I don't touch that kind of money."

Yet, you know, some people who participate in PAC's say: you know, the funny thing is, I heard so and so's speech on that and he said how much he opposed taking PAC money, but he came to me and said, "I can't take your PAC money, so I want you to go around and get checks from every person in your organization who can afford it. Have them make out the check directly to me and then you can just bring me the checks."

Talk about the height of hypocrisy. Talk about the height of hypocrisy. I mean, concentrated, concerted, and well-thought out demands for bundling.

Some say, "Hey, I don't want to touch any of your PAC money. I want to be pure. I am not going to take PAC money. But I am going to go to the people from whom I would normally get PAC money and say, 'Hey, while I can't take your PAC money, go around and make a little PAC for me, just a little PAC for me, and get checks and I will give you credit for the total of all the collection you bring in.'"

Now that smells to high heaven, and I believe it goes on. I believe that there has been bundling. And I would call upon those who have participated in it to come forth and say that when they talk about how bravely they have opposed taking any PAC money, have they taken bundled money? Are they going to exactly the same sources and just dressing it up by saying, "We are not going to take money through your PAC's. We are going to take it when you bundle it."

But I agree on this one that bundling ought to be prohibited. And if there is bundling, it ought to be disclosed, because it is no different from taking a PAC contribution.

Next, this group of experts say that: "Independent expenditures by PACs sponsored by corporations, unions and trade associations (i.e., separate segregated funds) barred and private lawsuits to enforce independence permitted."

Well, I have seen a lot of independent expenditures. Some of them appear truly to have been independent. But one wonders, in these instances, how they just sprang out of nowhere. Too often, independent expenditures are merely campaign directed expenditures with sufficient steps and sufficient individuals between those controlling the campaign and those controlling the so-called independent expenditure to make it a difficult trail to track. And I think that that ought to be closely watched and thoroughly regulated.

> "Soft money" defined, curtailed and subject to complete disclosure both of receipts and expenditures.

Well, Mr. President, I have seen where soft money has been used. In the 1986 campaign in which I was first elected, there were reports by a major force in politics that they were going to spend $1 million in soft money in each of 10 States, and it was going to be designed to defeat people in my party. From what I have seen, only one other candidate of my party in those 10 States who was targeted by those soft money expenditures was elected that year.

I think when soft money is used by an outside force, there needs to be full disclosure. We have never yet been able to track down the full amounts of those disclosures, the full amount of those soft money expenditures, or how they were spent or by whom they were spent and at whose direction they were spent.

Now I think that there is a separate issue when you come to political parties. Some people try to lump political parties into the soft money disclosure. No. 1, I think that political parties should be able to spend money, but it should be fully disclosed. Political parties have a right to build their party. They have to have the necessary organization and the necessary structure. We run on a party system, a partisan system, that I believe can help us build and strengthen the institutions for presenting the views of the two competing parties to the voters and carrying out the platforms, the general direction, that those parties have represented.

But I believe that once there is full disclosure, we should not seek to limit the amount of money that parties spend in those straight party-building activities.

Now the final suggestion of this commission was that:

> Federal Election Commission improved with specified procedural and enforcement reforms, including the setting of priorities and especially adequate funding to do its job.

That is the position recommended by the bipartisan commission. The report was delivered March 6, 1990. Here we are more than 4 years later. Unfortunately, Mr. President, I would have to say that the bipartisan commission's proposal was opposed by most Democrats and that is the reason it died a fairly quick death.

Instead, throughout the late 1980's and 1990's, Democrats in Congress refused to compromise with a Republican President in order to enact fair bipartisan reforms. Instead, they sent to the President bills that were designed to assist the election and reelection of Democratic office holders. No surprise, they were vetoed.

And now, we read in the Roll Call newspaper yesterday that some people are up to their old tricks. Let me quote:

> The threat of a Senate filibuster may actually lead to movement among House Democrats, aides say, since Members wouldn't mind having a pro-reform vote to take home if they didn't have to live with the legislation down the road.

Mr. McCONNELL. Will the Senator yield?

Mr. BOND. I am happy to yield to my friend from Kentucky.

Mr. MCCONNELL. That brings up an astonishing thing to the Senator from Kentucky, which is that anybody elected to serve the people of his or her State or district would conclude that voting for this turkey would be good politics. I mean, why in the world would anybody conclude that setting up a new entitlement program at taxpayers' expense for our political campaigns would be a good political vote? It leads me to wonder how anybody would—no wonder this Congress is out of touch, would probably be a better way to put it, completely and totally out of touch.

No wonder the voters are angry that anybody would yearn to cast a vote for something like this. It really, it seems to this Senator, is beyond comprehension.

So I thank the Senator from Missouri for bringing up that point.

Mr. BOND. Mr. President, I thank my friend from Kentucky for his comments.

And let me reread the final part of that conclusion again.

Members wouldn't mind having a pro-reform vote to take home if they didn't have to live with the legislation down the road.

Well, now, Mr. President, I concurred with my friend from Kentucky. This measure, this measure with its public financing, its spending limits, which I believe inhibit the first amendment, is not really reform.

I do not know how they would characterize a vote for this bill if they had to explain that they were going to reach into the taxpayers' pocket, another raid on the taxpayers, to finance their election.

Do these people really want to go home and say, "I have decided that I am going to reform the system. And, rather than going out and raising campaign funds, I am going to take it out of your pocket, involuntarily or not, I am going to take it out of your pocket"?

That, to me, is breathtaking. It is awesome in its arrogance.

But, for some people, this is what they would like to think is "reform." And, Mr. President, I just do not believe that.

No wonder, no wonder the public gets upset with posturing and finger pointing. No wonder Congress approval rating is down near—and I hate to pick on my good friends—used car dealers, perhaps lawyers, or even lower.

But, nevertheless, when Congress says "I'm going to do reform, I'm going to take money out of your pocket, or I'm going to require broadcasters to give me free time," hey, that, to me, is not reform. That is an arrogance that we can use somebody else's property better than they can.

At least under the system that we now have people have to decide to give voluntarily.

And I go back to that. Disclosure and voluntary contributions, within limits, I believe, is what we should be doing. But, Mr. President, we know now where we stand. Once again, our colleagues on the other side of the aisle are posturing. At this point, they are desperate enough to try to convince the public that they are for real reform; that is, getting into your pocket, taking your money for there campaigns, even as they cross their fingers and hope, hope, hope, that it just will not pass.

But, as I said earlier, what really amazes me is that anyone could believe that the public will support reform which at its heart is taxpayer financing of campaigns. I do not recall having run into one real live person.

Now, I want to exclude editorial boards, because editorial boards, in my view, do not represent real life people.

They smoke something different or they drink different water. The editorial board sometimes comes up with wild and woolly ideas.

But I exclude editorial boards and I say I have not had one real, live person, one real, live constituent, come up to me and say, "Hey, I want to improve the campaign finance system, and I want you to take money from me by taxation to support your campaigns."

I think they would probably have to get some smelling salts to revive me if anybody did, because I just have no record, whatsoever, of people coming up in Missouri and saying, "I want to have my taxes finance your campaign."

That's what this proposal is all about. This is a raid on the Treasury. We have gotten into the habit of taking everything out of the Treasury, so why should we not get rid of the problems of having to raise money?

You know you have to explain yourself. You have to work at it. But you do not have to work at it nearly as hard as you have to work at gaining votes. Sure, it would make it a lot easier if you just went over and dipped into the Treasury and said, "Hmm, time for a campaign again. Let's see, I want to buy some time so I will just dip into the Treasury. I want to get some free time from broadcasters."

Let me repeat: The Democrat's vision of campaign financing reform is to create an entitlement for politicians, and have the taxpayers pay for campaigns. I just do not think that is what the public has in mind. We have got a lot of problems with entitlements.

There is an entitlement commission set up, and I wish them well. It is headed up by the Senator from Nebraska and my senior colleague, Senator DANFORTH, and they have dedicated Members of this body and others going around talking about entitlements. And everybody has come in to them and said, "We want to change the entitlements. We realize that entitlements are going to break this country. We can't have more entitlement spending."

But, according to the Senator from Wyoming, Senator SIMPSON, who serves on that committee, every single one of them said, "But, of course—but, of course—my particular area should not be considered an entitlement. Now I want you to crack down on everybody else's entitlements, and I know that entitlements are going to break this country."

Entitlement spending is mandated spending that does not go through the appropriations process. It is by law set aside and spent every year.

Entitlement programs are going to squeeze out all other spending, if we do not change the path we are on. Sometime in the early 21st century, there will not be room for any other spending in the budget, without significant tax increases, because all of the funds that we raise, all of the debt that we incur, is going to go directly to entitlement spending.

And at the same time we are talking about going out and reforming entitlements and finding out that everyone wants to limit entitlements—except their particular entitlement—Congress is talking about establishing its own entitlement for its incumbents and its challengers, so that we will have a special piece of that directed spending, and it will not have to come from appropriations.

Now, I do not think that is what the public has in mind. I have traveled around the State of Missouri these past few months, and if one thing is clear, people are getting more and more tired of having Government run things. They do not want Government running health care. They have talked about that. And as we have talked about the issues in recent months, they have talked about how they do not believe Government should come in and take over the health care system. When they found out what was in the massive Government-run health-care proposed system last year, they objected.

This presents two points: No. 1, they do not want to have Government running things, whether it be campaigns or health care.

And No. 2, they want full disclosure. They have a right to know what is in these bills. And that is what we are doing here today, explaining what is in this proposed legislation, because I believe in full disclosure. I think that sunshine is the healthiest disinfectant for the process around here, and I believe, through the good offices and the good work of the Senator from Kentucky, we have an opportunity to expose what is in this so-called campaign finance reform plan, to lay out for the people of America what is in the plan, what is being proposed as reform, and to say to the people of America, do you want it? Is this the way you want to go? Do you want to go with Government-run campaign finance reform?

They have said very clearly they do not want to go with Government-run health care. And I believe that the

same judgment is coming down, very clearly, when they discover that the Democratic idea of campaign finance reform is to make taxpayers pay for the election, as well as their salaries and their offices. I think that is the time that it hits the fan. I think that is when we get a significant response from our voters, and people say, "This is not reform. This is not the direction we want to go."

Some say the Congress gets too many perks—parking, haircuts, free meals, travel. I think that some of those complaints may have been warranted in the past. I think we have taken steps to make sure that we pay for that which we would have to obtain in the private sector. But when we come down to asking the taxpayers for the ultimate perk of financing reelection from the Treasury, I think that is the ultimate perk.

Why is this being proposed? I think it is being proposed because it may help the incumbent get elected and stay elected. I think that once again the inside-the-beltway crowd who is pushing this so-called reform, is out of touch, out to lunch. If they think this is an idea that can be called reform, they are missing the boat.

What should be done? Are there not some reforms necessary?

Yes, let me say I believe there are reforms that are necessary. We need a bipartisan compromise that both sides agree to. And I cite the example of health care reform. A partisan solution is the wrong one. I think a bipartisan solution is the right one. We have concluded, and are about to conclude, over a year's worth of work on a bipartisan health reform. There may or may not be time this year to get it done, but I think it will lay the basis for a successful bill next year. I believe that we have come together on a bipartisan basis, and come up with responsible health care reform. And I think we need to do the same thing with campaign finance reform.

Now, my views are very simple. I think there are three basic principles that we ought to follow in campaign finance reform: Disclosure, disclosure, and disclosure. I think that is the best way of assuring that the people of America who are voting for the candidates, who are voting in the elections, know who is receiving support and from where they are receiving it.

When I first campaigned for Governor of Missouri in 1972, there was a system of campaign contributions that was mind-boggling. The paper sack was the favored campaign financing vehicle. I heard stories, and I think I saw some of those sacks. If they had fried chicken in them there would be grease on the sack. I saw sacks, paper sacks, that looked like they had something folded and crunchy in them. Well, I knew that there were things wrong. I took the highly unusual step—people called me crazy—volunteering to disclose my campaign contributions. People were astounded. I filled out reports. I said I am running for Governor as a reform candidate. I am going to lay out my contributions.

People did not know what to do with them. They had a field day. They got really excited, because we—unfortunately, the sums were not as great, I guess, as they might have been had they not been disclosed, but I told my contributors, "Hey, I am proud of it. I am going to disclose the contributions you make to me, because I think that people have a right to know who is supporting each candidate."

After I was elected, I worked to establish a campaign disclosure law. I was able to get the Missouri General Assembly to pass an open meetings law, and a lobbyist disclosure law. We had a little problem with campaign financing reform because some of my good friends in the Missouri General Assembly—and I had many of them—had thrived on that nondisclosure campaign finance system.

So I took the unusual step of joining in a citizens' petition drive to get campaign financing disclosure on the ballot. As Governor, I went to shopping centers, I went to county fairs, and got people to sign signatures—put their signatures on an initiative petition for campaign financing reform.

Well, we finally got campaign financing reform adopted by the voters. We had spending limits at the time. The court ruled these unconstitutional. I abided by those limits in 1976. Got 4 years to think about it, and had to come back again for reelection in 1980. But once we had finally passed the campaign financing disclosure, after the legislature fought against it and fought against it, they got the spending limits knocked out. They finally came back and passed campaign financing disclosure legislation.

I think they passed good legislation. The principles that we passed, after knocking out the spending limits, were disclosure, open government, coupled with limits on special interests. And I think those are the guiding principles that we should follow today.

I believe that soft money and independent expenditures should be disclosed fully. I would restrict and limit out-of-State funding, and PAC funding severely, or eliminate it completely, in order to enhance the importance of local support. And when you get right down to it, public financing entitlement from the campaign of an incumbent and challenger being funded from the Treasury, is just a plain old bad idea.

We have fought to get a number of reforms for many years in the campaign financing reform. I believe that Republicans have advocated zeroing out PAC contributions for Congressional candidates. The majority went along with it grudgingly, but when it gets to the House, that is when it runs into problems.

Well, Mr. President, we have been at loggerheads over what to do on PACs. The House Democrats have become quite accustomed, as I pointed out in my discussions with my colleague from Kentucky early on, to the heavy doses of PAC contributions in their campaigns. I think that we ought to apply the same limits to both parties. I believe that we can limit and restrict PAC contributions. We can limit out-of-State contributions. We can agree on these principles, if they apply to both parties. But I think the most important point, is to ensure full disclosure. I go back to that as the absolute central point in any campaign financing reform.

If you have soft money, or an independent expenditure, first, if it goes through the political party in the State—a local political party—it must be fully disclosed and the party has to be responsible for it. People have to know where it is going. It cannot be used in a Federal election in any way, but it can build the party and turn out voters. It should be disclosed.

If there is a soft money campaign, if an organization wants to come in and spend money to hire telephone callers, to put out precinct workers, if they are being paid, that needs to be disclosed and disclosed fully. I believe that is one of the greatest abuses we have today.

I hear rumors that there are major soft money campaigns being geared up in parts of the country because that has happened before. They come in and hire telephoners, they hire door-to-door workers. I have had them come into my hometown. People have come in and claimed they are representing some organization with a high sounding purpose and then they proceed to trash me and go door to door and say misleading things about my record. These people are a scourge on the body politic, if they are being hired and sent in by outside interests. I think, though, we at least need to know who is paying them, who is behind them, what the organization is that is providing this soft money effort. To me, that full disclosure is an absolutely essential element in campaign finance reform.

In conclusion, I ask my colleagues to join with us—particularly with the Senator from Kentucky—as we get about considering a real and meaningful campaign finance reform. Let us put it on the agenda for next year. I do not think there is time to put campaign financing reform to clean up what we have now and get anything through.

The time has come and passed when we can do campaign finance reform this year. But we can do real and meaningful campaign finance reform if we build on what I hope will be the information that is developed in these

debates and the reaction that the public will give us to these debates.

I may be wrong and surprised, and I will come back to the floor and tell my colleagues if the people in Missouri say, "You are mistaken. I want to have your campaign reelection financed out of my tax dollars." I will be the first to tell you so. I will come back and say if there is a groundswell. If there is not, I suggest that we get about meaningful disclosure and real campaign finance reform.

I see my friend from Kentucky has risen. I commend him for his ability to stay with us for such a long period of time. Again, I thank him for his dedicated efforts. We owe him a great deal of gratitude. I commend him for his work on this issue, and I am proud to be associated with him in this task.

With that, Mr. President, I thank the Chair for his indulgences, and I yield the floor.

Mr. MCCONNELL. Mr. President, before my good friend leaves the floor, let me thank him for his important contribution to this discussion. Sometimes it takes a few years to kill a bad idea. But the Senator from Missouri has been an important part of this debate over the years as we have considered a variety of different alternatives. We tried to figure out what the right thing to do was. There is a difference of opinion about the direction in which we ought to go, but there is no difference of opinion about what ought to happen in this bill. It has been gratifying that not only have we had speakers constantly throughout the night, without a single quorum call, we have actually had more speakers than we could accommodate, enduring the graveyard shift earlier this evening.

So I think it is clear that there is a determined group here that is going to save the country from this ill-advised legislation.

I thank the Senator for his contribution and to welcome the bright-eyed, alert, senior Senator from New Hampshire who I see is ready to do battle. I thank him for his participation.

I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, good morning. It is nice to see you here.

Mr. President, I rise this morning to continue a very vitally important effort here on the floor of the U.S. Senate to tell the American people the truth about the efforts of leading members of the majority party in this Congress to push through a very radical scheme for taxpayer-financed campaigns for the Senate and the House of Representatives.

What is this? It is a brandnew entitlement, a brandnew entitlement program for politicians. In the waning days of the Congress, it is a good time to slip something like that by. But thanks to the leadership of the Senator from Kentucky, this is not going to happen.

Before getting to the substance of my remarks, I commend the Senator, while he is still here and awake on the floor of the Senate, for his leadership and his expertise. In any meetings I have ever participated in in the past 4 years in the Senate, whenever this subject has come up, all eyes turn to Senator MCCONNELL to ask for his input and his knowledge on this issue. It is unparalleled. And I think the effort he has put forward here on behalf of the taxpayers of the United States of America and on behalf of true campaign finance reform is unparalleled. I commend him for it, for his leadership. He is tireless in this endeavor. He never hesitates to take this issue on in any meeting I have ever been at, to offer his opinion, advice, and counsel. As one Republican member, I am very grateful for his leadership.

Mr. President, candidate Bill Clinton went coast to coast during the 1992 Presidential campaign and promised "to change welfare as we know it." But little did the American voter know that scarcely 2 years later, this promise would mean expanding welfare, to include a brandnew entitlement program for the politicians of the United States of America—all politicians of both parties, any party, any third party, any politician.

Mr. President, the sad truth is that this Clinton-inspired Senate and House campaign finance reform bill on which the majority party wants to go to conference, would establish a brandnew taxpayer-financed welfare program for the Senate and the House Members' own political campaigns.

Both of the bills would establish a set of conditions—spending limits being the principal one—that, if met, would entitle congressional candidates to a rich package of taxpayer-financed benefits. What are these benefits? They include a 50-percent broadcast discount, a mail discount, matching funds to counteract independent expenditures, and matching funds to counteract opponents who spend more than the voluntary spending limit.

Frankly, Mr. President, I suspect that many Democrats in the House of Representatives who are facing tough reelection campaigns this fall, from what I read, are hoping we Senate Republicans block their campaign finance reform bill. They may not be saying it and I do not blame them, but I will bet they are thinking it. I suspect they do not want to be forced to vote on a new taxpayer-funded entitlement program for politicians. They know that such an outrageous scheme is bound to be very unpopular, to say the least, with the voters.

Mr. President, there is no question in my mind that any taxpayer-funded campaign finance reform bill that manages to emerge from the Congress is going to carry an enormous price tag. There is no question about that. It has to. We do not even know what the cost is. There is no way of estimating what the cost is because we do not know how many candidates are going to run for political office when they know it is going to be paid for by the taxpayers.

The total cost varies. It depends who you consult. But any way you look at it, no matter how you cut it or define it, no matter how you research it, the cost will be huge—hundreds of millions of dollars. As we think about the national debt, $4.5 trillion, deficits, which are going to be going up right after the Presidential elections in 1996—conveniently—when we look at that and think about adding another entitlement program onto the backs of the taxpayers of this country, I just do not know where the logic is to this.

I think about my own reelection campaigns, and I can name a lot of people in my State—I hear from them from time to time—who would probably just as soon not see me reelected. Fortunately, I think there are more who would like to see me reelected. But those that do not want to see me reelected, I am sure, do not relish the idea of participating in my campaign by having their hard-earned tax dollars go to reelect me. But that is what will happen under this legislation.

As one considers the cost of such a bill, it is very important to keep in mind the observation that the Congressional Budget Office made last year while trying to estimate the cost of Senate bill S. 3. The CBO observed: "The cost of providing benefits under the system is highly uncertain." That is the understatement of the year. It is highly uncertain. It is definitely uncertain. There is no way—no way. We may not be able to print ballots long enough for the names of the people who will run simply because they know their election will be paid for.

Mr. President, the reason that cost is uncertain, as I say, is that it depends on how many candidates there are running for the House and the Senate, and how many of them would choose to participate in this new politician's entitlement program. I submit there will be a whole bunch of them. There are countless scenarios to consider, any and all of which would change the total cost, not the least of which is the number of third party candidates who would be drawn to accept this new entitlement.

Let me be as clear as I possibly can about this, Mr. President. The conference report based on the Senate and House-passed campaign finance reform bills would create a taxpayer-financed entitlement program for the politicians in America—winners and losers, candidates, major party, third party, and independents—who agree to abide

by a spending limit and raise the minimal threshold amount, would be entitled to a host of benefits.

The total cost of these benefits just cannot be foreseen. You just cannot know. Can anybody really predict just how many candidates for the Senate and the House there will be in 1996? In 1998? In 2000? Of course not. It is impossible. So if you cannot predict the number of candidates, how in the world are you going to predict how much it will cost the taxpayers?

But this is pretty common around here, is it not? How many times have you seen legislation come through here and nobody has the slightest idea what it is going to cost, or we do not know what the impact will be? But it sounds good. It is some program to do this or that and it has a nice ring to it, and people say, "How can you vote against that?" It sounds good and they have all kinds of names for them—usually anything that involves children or some disease or something—all you have to do is get that in there—or disaster relief. We love to load those bills up with pork. In the San Francisco earthquake bill, we had stuff in there for Chicago.

Well, this is the problem, and it is the same here. There were 1,200 more congressional candidates in 1992 than there were in 1990. I am not against people running for Congress. I think that is very healthy, but I am against making it a subsidy, to subsidize all of those candidates at the taxpayers' expense. This was a stunning increase. We did not foresee that. We did not know there were going to be 1,200 more candidates. Who can know? Who can know how many would have accepted matching funds had they been available: 4,400, 5,000, 10,000? Who knows? Many might have been wary of using taxpayer dollars to fund their campaigns, but I doubt it.

Hundreds, or even thousands, of additional candidates might have run as third party or independent candidates because of the availability of taxpayer dollars to run their campaigns.

The taxpayers should not fund our campaigns here. The people who support us, who like us, who want us to return, should fund our campaigns.

The people who do not like us should fund our opponents. That is free speech. That is the United States of America. That is what our country is all about.

Jefferson ran for President. He had opposition. So did Andrew Jackson and Abraham Lincoln.

Why are we any different? Why do we now want to stop that process, the process that has worked for over 200 years?

Can anyone really say how much independent expenditures we are going to spend? The answer is no. You cannot estimate it. You have no idea, no one has any idea. These numbers that are thrown around $200 million, $90 million, no one knows, absolutely no idea.

It is entirely reasonable to assume that as direct candidate campaign spending is subjected to limits, independent expenditures will appear even more attractive for groups to influence election outcomes than already is today. That will be the temptation.

Mr. President, who can predict with any precision just how many taxpayer dollars will be spent on the section of these bills that provide funding for one candidate to counteract the spending by his opponent that exceeds the spending limit. This is a critical point. Under the Senate bill if one candidate in a race exercises his constitutional right not to be bound by a spending limit, and spends even one penny over the voluntary limit, any complying opponent would receive a Government grant equal to one-third of the general election limit—one-third of the general election limit.

Let me repeat that. Under this bill if one candidate in a race exercises his constitutional right not to be bound by a spending limit, in other words, he says it is unconstitutional so he does not abide by it, the limit at all, and spent one penny—just a penny—over the voluntary limit, any opponent who complied with the limit would receive a Government grant equal to one-third of the general election limit. The complying candidate could receive additional installments up to a total of 100 percent of the general election limit.

There is no telling in how many instances this provision will kick in. You would absolutely have no idea—and in many cases, as most of us know who run for political office, you are not sure what your expenditures are until the election is over. You have bills come in weeks after the election. What do you do then? So someone violates the cap, wins the election, says have a nice day, I will pay my fine. But I am in the Senate.

There are many variables to consider here, but even the lowest of the estimates—the lowest—say that the cost of these bills will run into the hundreds of millions of dollars. I have never seen a entitlement program yet that went down in costs. Not one. And this one will not either.

A precise cost forecast is impossible because there is no final bill—there is no final bill. Second, the variables, as I have outlined, are inherently unpredictable. You cannot predict, you cannot predict with any definitiveness, this legislation and its impact.

Nevertheless, there have been cost analyses done. You can always get a cost analyses around here. Plenty of offices around here and plenty of bureaucrats are trained to do it. They are not always right, and you can always get more than one opinion, and they are never the same. But cost analyses have been done, each weighing the many variables differently, ironically.

Let us take a look at some of these estimates. Democrats have estimated that it would cost $90 million every 2-year cycle just to provide matching funds.

How much is that per election? Well at the rate of $200,000 per general election, per general election to the House candidates—that is the figure they use. The Senate-passed bill substitutes the Exon-Durenberger speech tax imposing the corporate tax rate of 34 percent on all receipts of those campaigns that exceed the spending limit, percent of matching funds. This is supposed to encourage candidates to agree to the voluntary spending limits in the Senate elections.

It is not clear what rationale was used in arriving at this $90 million estimate and it will never be clear because you will never know. I will point out that if only the Republican and Democrat nominees in each House election—not third-party candidates just the two nominees—accepted matching funds, then that provision alone would cost over $170 million. Just on that.

On the other hand, even on our side we are guilty of estimates. The Republicans say that it would cost about $200 million for each 2-year election cycle for House matching funds and to counter the expected increase in independent expenditures, since the Exon-Durenberger speech tax is widely believed to be unconstitutional, the final Senate campaign provisions may well include 20 percent, that is if the general election limit matching funds provision is as the 1992 conference report that was vetoed by President Bush. In that case, the Senate Republican policy committee has estimated a Government cost per 2-year election cycle ranging from a low of $207 million to a high of $296 million, depending again on the variables.

On the variables, there are so many variables. An additional $50 million expense is expected to be incurred due to the 50-percent broadcast discount. Sound complicated? It is. Sound unenforceable? It is. Sound chaotic? It is. Sound unconstitutional? It is.

Mr. President, the Congressional Budget Office has estimated that it would cost $189 million in 1996 alone—in 1996 alone—if both the Senate and the House bills provide matching funding, an amendment that would increase to $203 million in 1998. CBO, frankly, in my opinion, appears to be making low-ball assumption with respect to variables, number of candidates, independent expenditures, and excessive spending. Thirty-nine million of the CBO figure is the annual cost of the House bills, FEC public awareness advertising campaign to promote make democracy work fund. CBO estimates that 95 percent of Senate candidates and 60 percent of House candidates would participate.

Were the Exon-Durenberger speech tax to be retained in conference, then CBO estimates that the Senate campaign part of the cost would run to $17

million in 1996 and $21 million in 1998. That figure appears to assume that no independent expenditures will trigger the bottomless counterbalancing provision.

My point in throwing out all these numbers, $90 million, $200 million, $196 million, $171 million, $21 million. Nobody has the slightest idea what this is going to cost, absolutely not the slightest idea. These so-called counterbalancing provisions. I do not know.

I see my colleague from Kentucky back on the floor.

I do not know where we got the idea whoever spends the most wins. I think we have seen recently that has not been true. Certainly in the case of my earlier election, I tell you I was outspent 4 to 1.

We saw a primary victory in Oklahoma. I believe he spent $17,000. His opponent spent—I do not know what his figure was.

Mr. McCONNELL. I believe it was $17,000 or $18,000.

Mr. SMITH. And the opponent spent?

Mr. McCONNELL. Well over $300,000.

Mr. SMITH. I thank the Senator. So $300,000 to $17,000. The individual was a 71-year-old retired school principal and he won the election.

The point is, it is not money that always makes the difference. Sure sometimes it does, but there are also times when the voters just get fed up. And when the voters get fed up money does not matter.

So maybe we are barking up the wrong tree.

Mr. McCONNELL. Will the Senator yield?

Mr. SMITH. Certainly.

Mr. McCONNELL. I was off the floor. As I was walking in I believe—correct me if I am wrong—the Senator was talking about the difficulty estimating how much this bill may cost?

Mr. SMITH. Yes.

Mr. McCONNELL. On that point it is tough because we know that under the Presidential system Lyndon LaRouche got tax dollars to run for President while he was in jail. We know that Lenora Fulani, a widely known American of left-wing views, got over $1 million to run for President, and it was interesting.

I was just pointing out to my friend from New Hampshire, in the paper that I never heard of called the Washington City Paper, Washington's free weekly, about Lenora Fulani. It says "Lenora and the Money Go Round," and the subtitle is, "Or How the 1992 Presidential Campaign of Lenora Fulani and Her"—it is a term here we are not quite familiar with—"Her Friend, Dr. Fred Newman, Reaped $2 Million in Federal Election Commission Matching Funds." And the article is about how they spent the money.

The only reason I raise that, even though under the Presidential system just imagine the number of candidates around America, potential candidates around America, look in the mirror in the morning and say "Gee, I think I see a Congressman or Congresswoman," whether or not they are Republicans or Democrats. It is almost impossible to estimate how many fringe candidates the taxpayers will have to subsidize under this.

Mr. SMITH. Exactly.

Mr. McCONNELL. To go out and exercise some ego trip, running for public office, and of course, the FEC will have to audit that, and soon it will be the size of the Veterans' Administration. We will have an army crawling over some fringe groups being funded by our tax dollars. I mean it is a Rube Goldberg proposal.

On the issue of spending, the Senator is perfectly correct. It is hard to anticipate. I think it is going to be a huge Federal entitlement.

Mr. SMITH. Absolutely. I appreciate the Senator's response.

I might say to the Senator from Kentucky that when you talk about these fringe candidates who step forth and accept the taxpayer moneys, would it not be better, indeed would it not be more American, if a similar number of candidates, be they fringe or serious, could step forward because they had support and interest in running, and had contributed dollars and volunteers who they have been able to motivate to join them? Is not that really what the political process should be rather than a subsidy saying why do not we just have everybody run, why do not we subsidize 200 million people and have them all run?

Mr. McCONNELL. The Senator is correct. There is nothing corrupting spending under this current system. It has to come from a lot people. One of the most maligned races in the history of American politics, Senator HELMS and I talked about it yesterday, was his 1984 election. People said, oh, my goodness, what an obscene amount of money was spent. Nobody said congratulations, Senator HELMS. You had over 400,000 contributors.

Mr. SMITH. Right.

Mr. McCONNELL. Four hundred thousand Americans participated in that campaign.

I mean, the truth of the matter is we know if you are able to spend a lot—unless you are wealthy, which I think is unfortunate, but the Supreme Court said you have a constitutional right to go out and spend everything you have if you want to on yourself or for or against someone else. But leaving that aside, for the rest of us mere mortals who do not have that kind of dough, if you are able to spend a lot of money you have a whole lot of support. And I scratch my head and, of course, nobody in the academic community believes that spending is corrupting because under this system it has to come from a whole lot of people.

In other words, the point the Senator is making is you have to have a lot of support to raise a lot of money and that is obviously not harmful.

Mr. SMITH. I would like to get into another area, the auditing of this kind of a program.

Mr. President, the FEC audit of the 1988 Presidential campaigns were not completed until 1992. And that was for what—half dozen, 12, maybe, candidates. Enforcement arising out of those audits still continues to this day, as we speak. Of the 1992 Presidential campaigns, the FEC has not yet completed auditing of five of them—the Bush, Clinton, Buchanan, Tsongas, and the LaRouche campaigns. They are still being audited.

We may have to turn over a very large building to the FEC if this legislation passes, because they are going to need a lot of room and a lot of employees in order to perform their obligation. Under the Senate- and House-passed bills, the Federal Election Commission staff has estimated that the agency's Audit Division would have to double in size. Its Office of General Counsel would have to increase in staff strength by more than 75 percent. Overall, the report estimates that the FEC would need a 50-percent budget increase. I think it would be more than that. From my perspective, I do not even think you can make a sensible judgment on that because it is going to depend on how many candidates run. So that is another estimate that is thrown out there. I think it would be substantially more than 50 percent and would continue to grow, because I think more and more candidates would be running with the taxpayer dollars.

Incidentally, Mr. President, the Republican members of the FEC refused to sign off on this staff estimate. I think with good reason. Because they believe its assumptions were too conservative. I repeat, Mr. President, Republican FEC Commissioners thought these already horrendous figures were too low. So a 50-percent increase, some of the Republicans believed, was too low. And I agree with that assessment.

As I mentioned earlier, another, not inconsiderable, factor here is fringe candidate proliferation. I know the Senator from Kentucky agrees with me. It is not that we are demeaning candidates. Any candidate has a right to run. But I think to be a meaningful candidate that candidate ought to generate support. And if the candidate does not generate support, why would the taxpayers fund the election when there is no support?

Multiply Lyndon LaRouche and Lenora Fulani by 535 congressional races, Mr. President, and you have a taxpayers' nightmare. Not that I believe they do not have enough nightmares as it is with their property taxes, their State taxes, their Federal taxes, the budget deficit, the national

debt at $4.5 trillion. Every time they turn around, Congress is passing another entitlement program. We just knocked one down, the health care bill. Now we have got this one. Program after program.

I debate these things all the time in my State. I talk to my business leaders. I talk to average citizens every day and they say, "Senator, why does this happen? Why are these programs coming at us like this?"

The answer is very simple. There is nothing complicated about it. It is the numbers. There are enough people in the Senate and the House to do this to you by passing it. And if you feel that strongly about it, then it is time to get out at the polls and make some changes.

Lyndon LaRouche has collected $2 million in taxes as a Presidential candidate in elections since 1976. I can think of a lot of good things that we could do with that $2 million, and that is not one of them.

Recently paroled from prison, Mr. LaRouche has received another $568,435 in matching funds for the 1992 campaign that, as the Senator from Kentucky just said, Mr. LaRouche ran from his prison cell.

Ms. Fulani, who was the candidate of something called the New Alliance Party, has received over $3.5 million in matching funds as a candidate in the last three Presidential campaigns—1984, 1988, and 1992.

I would assume, and the Senator from Kentucky can correct me if I am wrong, that a prisoner, a murderer, convicted murderer, in prison, I suppose could conduct a campaign for the President of United States or the House of Representatives; or, let us stick to this bill, the House or the Senate; is that not correct?

Mr. McCONNELL. This will be an entitlement program that the courts, if it were otherwise constitutional, which it is not, but in this particular portion of the bill, the courts would not allow the Congress to distinguish between Republicans, Democrats, and anybody else. So if you have met the minimal standard and the court would require that the Congress not craft legislation that would only fund Republicans and Democrats, it is reasonable to assume that virtually any crackpot in America would be able to run for public office at our expense.

Mr. SMITH. Including a prisoner.

Mr. McCONNELL. Potentially, yes; potentially. We have seen that already with LaRouche. He was in fact in prison.

Mr. SMITH. So we may see Charles Manson running?

Mr. McCONNELL. It is an interesting hypothetical.

Mr. SMITH. A nut, somebody who just decides I am going to do this just to screw up the system, if you will. Obviously, it would not be serious. But, on the other hand, if he has money, it would be just like him to do something like that. What else does he have to do?

Mr. McCONNELL. I think that once you get into public funding, once you make a decision to cross that threshold, the courts would require us to make that reasonably accessible to any American, not just to people we would consider serious candidates, that is, Republicans or Democrats or some well-known Independent.

So I think it is perfectly reasonable to assume that there will be a proliferation of people with off-the-wall views who would have a tough time raising money and gaining support in the marketplace, as you have to do now, who would have those views enhanced by the Federal Treasury.

Mr. SMITH. As I understand—and the Senator from Kentucky certainly knows more about the law than I do, he being a very respected attorney—an individual who is convicted of a crime, a felony or higher is ineligible to vote but not ineligible to run for political office after his or her conviction.

Mr. McCONNELL. It depends on the State law. Some States are more permissive about that sort of thing than others. But in terms of the access to the entitlement, it is unclear to this Senator. But, obviously, from the experience with LaRouche, we would have to conclude that there would be no impediment to that kind of individual receiving a Federal subsidy to run for public office.

Mr. SMITH. I would submit to my colleague, to all of my colleagues and the American people, that is reason enough to defeat the legislation, if there are not enough other reasons, of course, which there are.

If this taxpayer-finance congressional campaign scheme does become law, qualifying for taxpayer matching funds to run for Congress would be even easier than it is for Presidential campaigns. That is because support would only be demonstrated in a single State or district, rather than 20 States as is required under the Presidential system. Does anybody really doubt that this would result in a vast proliferation of third party or Independent candidates running for Congress with the aid of this new taxpayer-funded entitlement program for politicians? I do not see how anyone could deny that.

Again, the issue is not that we are opposed to encouraging other candidates to run. It is encouraging them to run by providing them a subsidy.

The American taxpayer is catching on, frankly, to the abuses and the inadequacies of the taxpayer-funded Presidential financing system. That is why, over the past two decades, the vast majority of American people chose not to check "yes" on their Federal tax forms to designate $1 from taxes they already owed to go to the Presidential election campaign fund. And I am one of those who do not check that.

In fact, Mr. President, the checkoff rate was so anemic that the fund was nearly bankrupted after the 1992 election. That is why President Clinton's budget bill last year tripled the checkoff figure from $1 to $3.

Now, thanks to Mr. Clinton and the members of his party who control Congress, a dwindling minority who checked off "yes" will be able to spend three times as much now of the tax dollars of those who checked "no." So this is a very interesting situation that we find ourselves in.

There are very ingenious ways around here of circumventing the intent of the American taxpayer.

What, Mr. President, do the American people get for their tax dollars under the current Presidential election campaign funding system? What do they get? Numerous nonpartisan and highly knowledgeable witnesses have testified before the Senate Rules Committee in the last few years that the system of Presidential campaign spending limits simply does not work, period. The majority party's congressional campaign finance reform bills in the Senate and the House deliberately model themselves on the disastrous Presidential election campaign funding system. That is not working. People do not like it. Why then do we want to compound the problem?

The ultimate goal of the taxpayer-funded campaign spending limit proponents is to replicate the Presidential system—535 times we are going to replicate it. And actually that is not true. You are actually going to replicate it 535 times, times the number of candidates who will be running for those offices, which is unlimited. Thousands of candidates; 535 races, but thousands of candidates. Not to mention, let us not forget, this army that will be following along, auditors, lawyers—no offense to my colleague—accountants, oh, they will all be there. They will be following along to keep the books, make sure everything is done properly. Oh, it will be a fun time.

To be fair, Mr. President, the Senate-passed bill is not exactly like the Presidential system, I would agree. Like that system, the Senate bill would be expensive, and like that system, the Senate bill will not work. What distinguishes the Senate bill from the Presidential system, however, is—and it is a big difference—the Senate bill is unconstitutional. That is a pretty healthy difference. It does not seem to matter to a lot of people around here. We trample on the Constitution almost daily. But it is unconstitutional, let us face it. It is unconstitutional. It will be challenged if it passes. I have enough confidence in the courts to believe that they will strike it down.

Thus, with the Senate and the House campaign finance reform bills, the American taxpayer not only is being asked to pay for a system that would

not function as advertised but he or she is also being asked to pay for an unprecedented assault on the first amendment to the Constitution of the United States.

I have heard a lot of my colleagues defend that first amendment with great gusto who are in favor of this bill. You do not have to be a constitutional lawyer or a scholar to figure out that the American taxpayer is not eager to pay for our political campaigns. That is a fact. Ask them. They do not want to pay for our campaigns. Eighty percent of the taxpayers already, 80 percent of the taxpayers, refuse the Presidential checkoff. And I would submit that they are hardly clamoring to pay for the Senate and the House campaigns. So why do we model this thing after that? Well, because it protects the incumbent. And who has the majority? End of story.

Let us look at the constitutional issue, though, Mr. President. Both Senator MCCONNELL—himself a fine lawyer who served as a senior Justice Department official under the Ford administration—and the American Civil Liberties Union are united in their belief—I am little concerned about you being united with the American Civil Liberties Union—but they are united in their belief that campaign spending limits are bad public policy because they limit speech and participation in the political process, limit speech and political participation in the process. Why would anybody want to do that—limit speech and limit participation in the political process. That is what this bill does.

Spending limits are undemocratic. But Senator MCCONNELL and the ACLU are also united in their belief that involuntary or coerced spending limits are also unconstitutional because they, in that case, are a de facto limit on free speech.

Mr. President, the biggest roadblock to limiting campaign spending is the first amendment, which protects political speech. The Supreme Court determined nearly 20 years ago in the case of Buckley versus Valeo that campaign spending, which is primarily for the purpose of communicating, is analogous to speech. The decision has already been rendered. There is nothing wrong with private citizens supporting candidates of their choice by contributing their hard-earned dollars. What is wrong with that, as long as it is reported, made public in accordance with the law.

But, an overall limit on spending by a campaign is a two-pronged restriction on speech. First, it restricts the total amount of speech available to the candidate by cutting what the candidates would spend on communication. Second, it restricts the total number of citizens who can participate in the process by making a donation. Thus, spending limits cut speech out of the process and cut people out of the process. So we have a spending limit.

If I reached the limit and my brother wants to donate $100 to my campaign, I cannot take my brother's $100.

It does not make sense to me.

That is why the Supreme Court did what it did, said what it said in Buckley versus Valeo. They said that spending limits by themselves are unconstitutional. The Court rightly said the Congress similarly cannot force candidates, that is, only a set amount. It is a restriction on free speech. The Constitution protects us from that. So not only are we limiting speech, we are then forcing the taxpayers to pay to pick up the slack—which compounds the problem.

In the Buckley case, however, the Court said that it is constitutional for the Government to entice candidates through generous subsidies and to accepting spending limits. Hence, we have the current Presidential campaign finance system wherein return for complying with spending limits, candidates receive generous subsidies courtesy of the taxpayers.

This entire campaign finance debate, it is not really about campaign spending. It is not about campaign spending. It is a debate about the first amendment to the Constitution of the United States. It is about the freedom of political speech that we hold dear. It is about who will be allowed to speak in the electoral process, and how much. The congressional majority's proposal seeks to parcel out speech in carefully calibrated amounts in order to preserve the control of both Houses of Congress. Let us call it like it is.

Senator MCCONNELL, to his credit—and I have been involved in discussions with him on this—has said, it does not matter if our party is in control, it is the same issue. It is wrong. He knows, and I hope as he does in the very near future, that we will be in the majority party. He knows the impact that that will have on us as the majority party. But he also knows that the Constitution of the United States, specifically free speech, is more important than the success or failure of any political party. He deserves a lot of credit for having the courage to take this issue on on that basis.

Mr. President, an official of the U.S. Department of Justice testified before the Senate Rules Committee in 1992 as to what is really at stake in this debate about campaign finance reform. He said, "It should never be forgotten that by protecting robust debate and broad criticism of competing candidates, the first amendment was the most important electoral reform ever enacted."

I could not agree more, Mr. President. The first amendment to the Constitution, indeed, was the most important electoral reform ever enacted. It guarantees the American people that their democracy will always be vibrant—always. It assures the American people that when they are unhappy with their Government, they have the right to speak out and get active in the electoral process so they can change things. It assures that the press can honestly report on what is happening.

The first amendment to the Constitution guarantees that candidates can speak as much as they want, as long as they want, as often as they want. And it guarantees that candidates can spend as much as they want, so that they can communicate with the voters. And we report it, and it is public, and we can be judged on where we get those funds. It guarantees that if Congress enacts a law that effectively forces candidates to limit their ability to communicate with the electorate, it will be struck down in the courts as an unconstitutional infringement of the freedom of speech that is guaranteed by the first amendment.

We should give the voters of this country more credit. They are a lot smarter than we think they are, than we give them credit for being. They understand. That is why, time and time again, as we saw just last week, you will see a candidate who spends very little money come through and upset someone who spends 10, 15, 20 times as much money. Because money is only part of the process.

I have no doubt, Mr. President, that under the Supreme Court's decision in the Buckley case, the Senate and the House versus the campaign finance reform bills are blatantly unconstitutional and will be proven so if it gets that far. We have heard that case made eloquently by Senator MCCONNELL over and over and over again during this debate.

Even the ACLU agrees. And I understand that Senator DANFORTH placed their legal memorandum on their subject in the RECORD yesterday.

Before I leave the subject of the unconstitutionality in the case of these bills, Mr. President, let me focus on the constitutionality on the Senate bill's free speech penalty provision. As I noted earlier, that provision says that if a candidate exceeds the spending limit even by $1, or if a group of citizens decides to interject its views independently during an election, then the complying candidate would be eligible to receive an unlimited infusion of taxpayer dollars.

Let me take a minute to explain why it is unconstitutional to impose a discriminatory tax on free speech. Starting with the Buckley case, the Supreme Court has repeatedly held that campaign spending is indistinguishable from campaign speech. That has been already determined. Therefore, it is unconstitutional to limit campaign spending just as it would be unconstitutional to limit campaign speech. They are one and the same says the Supreme Court. They are inseparable. If

you pull the plug on the microphone, then you have pulled the plug on the speech for everyone who is not in the front row. That is what you have done.

Nevertheless, the Court held in the Buckley case that candidates can be enticed consistent with the Constitution to limit their speech by a generous taxpayer-funded subsidy. The crucial point was that such speech limits had to be purely voluntary. There could be incentives but no coercion. That is how the Presidential system works, where the public subsidy is so generous that only extremely wealthy candidates, like a Ross Perot, for example, could afford to turn down the money.

Applying the first amendment constitutional standards articulated by the Supreme Court in the Buckley decision, the Senate and House-passed bills are clearly unconstitutional. They would establish layer, upon layer, upon layer, upon layer of punishments—punishments—for any political speech that the bills deem to be excessive—in direct conflict with the rulings of the Buckley case.

What the Senate-passed speech tax, in particular, would do is to reduce the upfront costs by stripping out the direct taxpayer subsidies and replacing them with a tax assessed on the gross contributions of any candidate who exceeds the limits. It should be clear, Mr. President, to everyone, that those savings are generated at the incalculable cost of damaging the first amendment to the Constitution of the United States of America.

It is unconstitutional, as the Supreme Court has said, to impose spending limits on candidates by law. If it is, then it is also unconstitutional to impose spending limits on candidates by a discriminatory tax.

If it is somehow unconstitutional, Mr. President, to impose discriminatory taxes on speech, then maybe we should consider other speech taxes that might help to suppress unpleasant speech while raising revenues that could be used for, say, deficit reduction. These are other taxes might be aimed, hypothetically, to pornography, television violence, flag burning, independent expenditures, labor soft money, perhaps newspaper editorials. Wow. That would be controversial, would it not? It we did not like what was said in a newspaper article, or editorial, there would be a tax on it—put it toward cancer research. Who would make that determination?

Mr. President, this speech tax sets a new and bizarre constitutional standard. If we do not like some form of speech, if it is inconvenient, then we will not ban it. We will tax it. Wow. Who thought that one up? It is interesting when these bills get written, you never really find out who wrote the fine print in some of these. I do not know if anybody would stand up on the floor and take credit for that one.

The Senate bill discriminatory tax on speech is not merely an indirect constraint on speech, it is a direct attack on the first amendment rights of candidates as articulated by the Supreme Court. It taxes candidates into submission by placing this outrageous provision. The Senate said that it could not afford to entice candidates into abiding by the spending limits, so instead we will use a Tax Code to pummel them, beat them into submission, with the Tax Code. What candidate would dare not comply with this bill when their gross campaign receipts are going to be taxed at the full corporate tax rate if they do not?

Finally, Mr. President, George Will, Pulitzer Prize-winning columnist—and as Senator HELMS pointed out yesterday, former Senate aide, George Will, has written an outstanding article on this subject. It appeared in the June 2, 1993, issue of Newsweek and it is entitled, "So, We Talk Too Much?"

I know my time is close to ending here, but I will quote it briefly. I will submit it for the RECORD. I think it has been submitted for the RECORD, if I recall, so I will not ask that it be submitted for the RECORD. But while I have a few minutes left, let me make a couple of quotes from it.

Washington's political class and its journalistic echoes are celebrating Senate passage, on a mostly party-line vote, of a "reform" that constitutes the boldest attack on freedom of speech since the enactment of the Alien and Sedition Acts of 1798. The campaign finance bill would ration political speech. Fortunately, it is so flagrantly unconstitutional that the Supreme Court will fling it back across First Street NE., with a two-word opinion: "Good grief!"

Wow. I cannot say it much better than that. Again, Will says:

The reformers begin, as their ilk usually does, with a thumping but unargued certitude: campaigns involve "too much" money. (In 1992 congressional races involved a sum equal to 40 percent of what Americans spend on yogurt.

"On yogurt," says George Will.

Again, Will says:

Given the government's increasing intrusiveness and capacity to do harm, it is arguable that we spend too little on the dissemination of the political discourse. But reformers eager to limit spending have a problem: mandatory spending limits are unconstitutional. The Supreme Court acknowledges that the First Amendment protects "the indispensable conditions for meaningful communication," which includes spending for the dissemination of speech. The reformers' impossible task is to gin up "incentives" powerful enough to coerce candidates into accepting limits that can be labeled "voluntary."

Still quoting from the same article from Will:

Most taxpayers detest public financing. ("Food stamps for politicians," said Senator Mitch McConnell, the Kentucky Republican who will lead the constitutional challenge if anything like this bill becomes law.)

Again, still quoting from Will:

But the court says the government cannot require people "to pay a tax for the exercise of that which the First Amendment has made high constitutional privilege." The Court says the "power to tax the exercise of a right is the power to control or suppress the exercise of its enjoyment" and is "as potent as the power of censorship."

Mr. President, this is very serious business that we are in here today. We are playing with the Constitution of the United States, specifically free speech. I think back a number of times in my own elections, as I indicated earlier, where I was outspent, not always, but in some of my earlier elections, outspent substantially. But when I was being outspent, I was out working—walking door to door, 18 hours a day, meeting voters. I was not criticizing my opponent for raising money—that is his privilege—but going out, meeting the voters, trying to do what I could with the limited resources that I had. That is it. That is the American way.

And, when that support came, you got support from your constituents, your would-be constituents, you began to build up this support base, and then you win your election, and you feel a lot better about it, frankly, because of the way you did it.

I want to finish on this Will quote.

Incumbents can live happily with spending limits. Incumbents write the limit, perhaps not altogether altruistically. And spending is the way challengers can combat disadvantages, such as name recognition, access to media, and franked mail. Besides the most important and plentiful money spent for political purposes is dispensed entirely by incumbents. It is called the Federal budget—$1.5 trillion this year and rising. Federal spending (along with myriad regulations and subsidizing activities such as protectionist measures) often is vote-buying.

It is instructive that when the Senate voted to empower Government to ration political speech, and even endorse amending the First Amendment, there was no outcry from journalists. Most of them are liberals and so are disposed to like Government regulation of (other people's) lives. Besides, journalists know that Government rationing of political speech by candidates will enlarge the importance of journalists' unlimited speech.

Again, I would equate Senator MCCONNELL with George Will, each in their own right. George Will is not afraid to take on his colleagues or brethren in the media for the sake of the Constitution. Senator MCCONNELL is prepared to debate even some in his own party, who may be in the majority in the near future, because of the predominant impact, that the Constitution must take precedence over the success of a political party. That takes a lot of courage. He is right. Senator MCCONNELL is right and George Will is right.

Let me just conclude on this last paragraph from the Will article:

The Senate bill's premise is that there is "too much" political speech and some is by undesirable elements (PAC's), so Government control is needed to make the Nation's

political speech healthier. Our governments cannot balance their budgets or even suppress the gunfire in America's (potholed) streets. It would be seemly if politicians would get on with the basic tasks, rather than with the mischief of making mincemeat of the First Amendment.

You cannot say it any better than that, Mr. President.

We realize the inconvenience that this imposes on staff around here, on the occupants of the chair, on our colleagues, as we involve ourselves in a filibuster like this. Many of our colleagues went through the night, and Senator MCCONNELL was probably here all night. Every time I turned on the TV, he was there. We understand the inconveniences and, to some extent, we regret it. But the inconveniences that we all experience as we conduct this debate are minor, nebulous, compared to the Constitution of the United States and the free speech that we all cherish.

I cannot imagine the chaos that this bill would cause in the political system. I cannot imagine it—prisoners, nuts, lunatics, fringe people, taking taxpayer dollars to run for political office. We are not talking about solid candidates, who truly want to go out and solicit support, workers, and money, because they care about the country and want to run—whatever political party, or even if they are not a member of a political party and are truly independents. Those are not whom we are talking about. They will benefit, as we all will, but the process, or the country, or the Constitution will not benefit.

So I hope that the eloquent remarks and the leadership of Senator MCCONNELL will be heeded and that we do not lose sight of the fact that this Constitution that we all swear to uphold will not be lost or diminished by passing a bill that would have this kind of impact on the American political process, and also on free speech. It would be a catastrophe, an absolute catastrophe.

Again, I thank my colleague for his leadership, and I mean that with every ounce of resolve in my body; how much we owe you for the courage and leadership you have displayed on this matter. It is unparalleled and unprecedented in all the years I have been here. I have never seen anything to equal the way and the intensity with which you have led this issue. We respect you very much for that, as you know.

I think it is pretty close to my time expiring. I yield to the Senator from Kentucky. How much time is remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCONNELL. Mr. President, let me say to my good friend from New Hampshire that he has been overly generous in his kind comments about my work on this issue. I thank him for his support and contribution as well.

This issue has been a little bit like health care in the sense that it has been a learning experience. As we have each prepared to speak on the subject, everybody has learned a little bit more about this issue. It also has related the implications of this legislation to our own personal experiences, as the Senator has related so skillfully.

This is indeed about the first amendment, and we are certainly, as the Senator from New Hampshire skillfully pointed out, making no apologies for trying to stop this lousy piece of legislation. We are not apologetic. We are here gleefully pointing out to the public what was being attempted to sort of sneak through here at the 11th hour. We welcome the opportunity to discuss this at length with the American people.

So this debate serves two purposes. First, it helps bring about the demise of one of the worst pieces of legislation ever conceived by the mind of man. And it educates the public as to what this Congress may be contemplating on the way out the door—to set up a new entitlement program for us at the 11th hour when we know the entitlement commission, chaired by our colleagues from Nebraska and Missouri, are probably a month from now going to recommend that everybody else's entitlements be capped sometime in the future.

So it is extremely important to have this debate and, of course, we are prepared to have it two more times.

Mr. SMITH. I might say that the silence of the proponents is rather deafening in this debate, with the exception of our colleague, Senator BOREN.

Mr. MCCONNELL. I expect their idea was to make us do all the talking during this 30 hours. That has been quite easily done. Who would have thought we would have had people backed up two deep to take the graveyard shift. There has not been one quorum call since yesterday, and there will not be until we finish this thing. A point we want to make quite clear is that this is lousy legislation. We are going to do everything we can within our power to stop it. I thank the Senator from New Hampshire for taking a rather early hour in participating in this effort.

I see our dear colleague from South Dakota on the floor to take his hour. Before he begins, I commend him for the role he has played in this. I recall, thinking back to June 1993, it was the Senator from South Dakota who said forcefully on the floor of the Senate that we should not let any bill out of the Senate that allows continued participation of political action committees because they are what is really wrong with the system and what the public thinks we ought to do something about.

The Senator from South Dakota offered the amendment to zero out PAC's for Senators and Congressmen. He made the case that if the public is so concerned about the so-called special interests—and we can have a big argument about what a special interest is. As several Senators said, a special interest is a group supporting my opponent in an election. Nevertheless, the perception is that special interests may have too much clout around here. It was the distinguished Senator from South Dakota who offered the amendment, who led the debate, and who provided the opportunity for the Senate version, at least, to zero out PAC's.

Of course, that has been the argument among Democrats for all this year. There has been a conference going on—kind of an unofficial conference of the majority here and in the House. They have been conferencing for 10 months. I expect at some point they may resolve their differences and try to drop something on us here at the end.

Let me say that but for the leadership of the Senator from South Dakota on the PAC issue, I think we would not be in nearly as good a shape as we are to stop this unfortunate legislation. I thank him for his outstanding contribution.

Mr. President, I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The chair recognizes the Senator from South Dakota.

Mr. PRESSLER. I thank my friend from Kentucky for his courage. His leadership here will long be remembered.

I did not speak during the graveyard shift, although I volunteered to do so. I have the relatively easy task of speaking at 8:10 in the morning. I thank him for such a civilized assignment. He has done a great job of fighting something that is hard to fight, because every Member of Congress and every Senator out on the campaign trail is for campaign reform. Everybody is for campaign reform of one sort or another. It is very hard for the public to know what is going on. I hope some people are listening to this debate because things are being explained here. It is very strange that none of the proponents, except one, has spoken. I think it is because they do not want to be identified with this piece of legislation.

Mr. FORD. Will the Senator yield?

Mr. PRESSLER. I prefer not to yield at this point. I will yield later on. The weight of what I have to say is so great, I would like to get it said and I will yield later.

The point I am making is that I think the proponents of this legislation are not proud of the piece of legislation as it has come back. That is why we just are hearing speeches from opponents at this time. I have material to present during my hour, and I will be glad to yield for questions at the end of my hour. But I am here this morning to present some ideas.

Let me say that in just looking at the clock, I see it is almost 8:15 here. It

is about 6:15 in most of my constituency. I do not know how many people are up watching C-SPAN 2 yet. But if they are watching, I say that I think we need to look at the truth of this legislation. I think we need to look at what is really in it.

As happened with the crime bill, somehow across the country people found out what was in the crime bill. When I went home after voting against the crime bill, I was thanked by many of my constituents. I do not know if they got it from C-SPAN, or from Rush Limbaugh, or from the newspapers. But I was amazed at how much people knew about what we are doing down here. I am glad to see that. I hope they also look into this so-called campaign reform bill.

Mr. President, judging from press reports, the negotiations between majority party leaders in the House and Senate these past 10 months have centered on the matter of political action committees. More specifically, the question of whether to reduce the limits or eliminate them, as the Senate did when it adopted the amendment I sponsored last year, has tied House and Senate Democrats in knots.

Let me refresh your memory on the PAC issue for Members whose recollection of this issue may be a bit hazy. After all, 15 months have elapsed since the Senate passed its campaign finance bill and 10 months have passed since the House passed its campaign finance bill.

Members may recall that for several years now, Republicans have advocated eliminating PAC contributions for Senate and House candidates. Not the current $10,000 per election cycle under current law, not the $5,000 per cycle that Common Cause has proposed and admitted would have no effect.

We proposed zero dollars on this side of the aisle. We proposed eliminating PAC's entirely. That was my amendment so I know what it meant. I know the legislative history of it. We proposed that the practice the public most commonly views as an abuse would be eliminated. That legislation is a fact and it passed the Senate of these United States.

Many Members on both sides of the aisle voted for it. But then a funny thing happened over in the House. They changed it. They reinstituted PAC's. In fact, PAC's can be even stronger because you can just create more of them and they will contribute more. This is really an incumbents protection bill especially for Members of the House. It is not a reform bill at all.

No political action committee contributions to congressional candidates, period, that is what we suggested.

The majority grudgingly went along in 1990, inserting the Republican PAC-ban provision into this bill just before the Senate started debating campaign finance that year. The Senate again passed a campaign finance bill in 1991 which zeroed-out PAC contributions. When that bill was conferenced in 1992, the PAC's were back. President Bush vetoed that bill, so we revisited the matter in 1993. In June 1993, 15 months ago, the Senate passed a congressional campaign finance bill that zeroed-out PAC's. In November, 10 months ago, the House rejected the Senate's tough-on-PAC's provision and passed a bill that left the PAC contribution limit at the current $10,000 per election cycle limit.

Since then, according to press reports, House and Senate Democrats have been at loggerheads over what to do on PAC's. Senate Republicans believe very strongly that the political action committee contribution limit should be severely cut, even zeroed out all together. No bill is going to get past the Senate which does not eliminate PAC contributions. House Democrats, however, have become quite accustomed to heavy doses of PAC contributions in their campaigns, and do not care to give that up. Indeed, many House Democrats have as much as 90 percent of their total campaign receipts coming from PAC's, political action committees. That is why they do not want to give them up. The various business PAC's give mostly to Democrats because they are in charge around here. All the labor PAC's go to Democrats, liberal Democrats, and teachers' PAC's go to liberal Democrats. And that is a fact. It is very strange that Common Cause should be joined together—I shall talk more about that later—in the effort to preserve political action committees. We were ready to eliminate them. It was my amendment here in the Senate that abolished them.

Why can't we do that? That is real reform. Why don't we get it done today and then go on to do other things?

Mr. President, it was a formula for gridlock—among Senate and House Democrats. Senate Democrats wanted to do something on PAC's so that they could get their taxpayer-funded spending limits bill through the Senate. But, indeed, I think even the Senate Democrats will get much more PAC money had they known that their House counterparts were going to act in the fashion that they did. The House Democrats preferred to do nothing in regard to lowering the PAC contribution limit. Hence, the Washington Post headline last month: "Democrats Fail to Compromise on PAC Limits."

Common Cause was concerned that its taxpayer-funded spending limits bill was going to come crashing down because of the PAC issue. So Common Cause stepped into the breach with the unreform proposal: a $2,500 PAC limit. Common Cause proposed to House Democrats that they agree to split the difference with the Senate and lower the PAC contribution limit to $2,500. Still 2½ times more than an individual could give, but Common Cause believed this could get the campaign finance package through the Senate.

Despite the Senate's 86 to 11 vote last year on the Pressler amendment which zeroed-out PAC contributions for both Senate and House candidates, Common Cause thought the Senate would roll over and accede to a $2,500 per election, $5,000 per cycle PAC level.

Common Cause is urging House Democrats to swallow the $2,500 limit because it would not, in fact, be a bitter pill to swallow. As Common Cause's own communique to House Democrats dated June 29 states: "Adding a cut in the individual PAC limit to the bill would not have a significant impact on House Members."

Mr. President, I repeat: According to Common Cause, a $2,500 PAC limit would not have a significant impact. Moreover, Common Cause studied the House Democrats' PAC habit and found that "only 2 percent of House Democrats' total campaign receipts would have been cut" if the $2,500 limit were adopted.

We have the hypocracy of Common Cause and the Democrats in the House writing a letter saying: "This does not make any difference. You would only lose 2 percent of your money. Let us keep the PAC's anyway. More PAC's would be created with a 2-percent limit. You will have multiple PAC's. So what is the difference?"

In sum, Mr. President, Common Cause is urging House Democrats to go with the $2,500 limit because to do so would, in fact, be the same as doing nothing. It would be a ploy, the only purpose of which would be to fool the public into thinking that Congress was significantly reducing PAC influence when, in fact, it was not. That is what the whole campaign bill is a ploy to look like campaign reform but really it is an incumbents' protection bill, especially for House Democrats, and it is outrageous.

Now, I am not certain what House and Senate Democratic leaders finally agreed to on PAC's, but I just wanted to point out to colleagues that a $2,500 limit is not going to get a conference report out of the Senate.

Mr. President, for the information of viewers who probably have heard a lot about PAC's, I would like to provide some background. "Political action committee" is not a phrase found in Federal law. The phrase is used to refer to two legal expressions—"separate segregated fund" and "political committee"—depending on whether the entity is affiliated with a sponsoring organization.

Of the roughly 4,000 PAC's registered with the Federal Election Commission, nearly three-quarters of them are classified as separate segregated funds. Such PAC's are generally associated with organizations prohibited by law

from making direct contributions to campaigns. However, these organizations—labor unions, corporations, and so forth—can pay for their PAC's administrative costs and overhead. These are also known as connected PAC's.

The PAC functions as a conduit for individual members of the organization to contribute to political campaigns. Members of labor unions, trade and health associations, and corporate employees are encouraged to make voluntary contributions to their group's PAC—separate segregated funds—which in turn makes contributions directly to political candidates.

The other one-quarter of PAC's are not affiliated with sponsoring organizations. These are "nonconnected" PAC's, defined by law as "political committees"—groups which raise or spend more than $1,000 in a calendar year. Whereas connected PAC's are required by law to limit their fundraising appeals to designated groups of people—that is, members or employers—nonconnected PAC's are not limited in whom they can solicit for funds.

Nonconnected PAC's typically are ideologically oriented and often single-issue groups.

Under current law, all PAC's are allowed to contribute to Federal candidates a maximum of $5,000 in primary elections and $5,000 in general elections.

Mr. President, speaking in a situation such as this, it is, indeed, unusual at this time of the day—let me say that when I was growing up I was a shy young man, and I would sometimes give my speeches with no audiences—and I look about the Senate and galleries I nearly achieved that. So you grow up to become a Senator where you can give your speeches with no audience, at least not in the Chamber, except for staff and probably at this hour of day even my mother is not listening, but I hope if citizens are listening they will understand PAC's and what is really going on here. Very few people understand campaign finance. Some people say that raising money for campaigns is a terrible business. Let me say it is a hard business. The part I least like about running for reelection is raising the money. I would rather not do that more than any other part of my job, and all jobs have some part of it that people do not like.

So, those of us in politics do not like to raise money. We do not get the money ourselves. It goes into our fund where it is regulated and reported and any reporter can write a story about any campaign report on any day of the week, and that is a fact of life.

But it is a sad fact. Somehow the women and men who run for office have got to raise money to communicate and to travel about their district. Even if you are just going to go around and give speeches, you have to drive from one town to another, you have to advertise where you will be to someone. You have to have someone to organize your meetings. You have to have some staff to help you do press releases. Even if you are going to run a bare bones campaign, you can spend a good deal of money.

There is also a lot of misunderstanding about campaign finance. For example, yesterday we had a nationwide story saying that a certain Congressman from Oklahoma was defeated and the person who ran against him only spent a few thousand dollars. But today I read in the morning paper that, in fact, if you counted the independent expenditures made against this Congressman, he probably did not spend as much in total as his opposition did. The independent expenditures are not counted in how much the candidate spends. So let us keep that in mind. There is a lot of falsity and a lot of misleading information floating around.

Now, the history of PAC's, which my amendment would eliminate:

While PAC's often are thought of as a recent phenomenon, in fact, they date back to the 1940's.

Labor unions, prohibited by law in 1943 from making direct contributions to candidates in Federal elections, began to establish separate segregated funds to conduct fundraising and contribution activities on behalf of their organizations.

Corporations did not follow labor's lead. Corporations had been prohibited since 1907 from making contributions to Federal election campaigns, and were reluctant to start PAC's.

In the early 1970's, a number of legal, judicial, and administrative actions occurred which resulted in exponential PAC-proliferation. Since passage of the Federal Election Campaign Act in 1974, the number of PAC's increased from 608 to 4,729 in 1992. Total PAC contributions to Federal election candidates increased from $8.5 million in 1974 to $189 million in 1992.

In 1992, PAC contributions comprised 24 percent of Senate campaign receipts and 38 percent of House campaign receipts. House incumbent Democrats' have been particularly reliant on PAC's to fund their campaigns. PAC's accounted for 52 percent of their campaign receipts in the 1992 election cycle, so House Democrats are understandably sensitive to the PAC issue.

INCUMBENT ADVANTAGE

PAC's 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. Yet, in 1992, in races where Members were up for reelection, incumbents received 86 percent of the PAC contributions—$126 million for incumbents versus $21 million for challengers.

Overall, PAC's distributed the sum of $161,095,460 to congressional candidates in 1992; $24,014,048—15 percent—went to candidates running for open seats. Thus the PAC's really just picked the incumbents they support. They do not care about ideology or anything. They just support whoever they think is going to win, and that is usually the incumbent in the House.

Since the 1970's, PAC's increasingly have funneled contributions to incumbents with little or no regard for ideology or voting records. Corporate and trade association PAC's give upward of 90 percent of their PAC contributions to incumbents. PAC's epitomize the perception of special interest influence that has eroded the American people's confidence in Government. That is why Republicans have led the fight to zero-out PAC contributions.

Mr. President, one of the reasons I voted last year for cloture and final passage of S. 3, the Senate's version of campaign finance reform, was the successful inclusion of my amendment which bans political action committees from participating in campaigns of candidates for Federal office. Unlike the original version S. 3, which only addressed PAC participation in Senate elections, my amendment banned PAC's from both Senate and House election campaigns. The original version of S. 3 was seriously flawed in my estimation because it banned PAC's only from Senate campaigns. I seriously questioned 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, which the Senate adopted, prohibited PAC's from participating in all campaigns for Federal office. The amendment provided 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 contribution-making for Federal office.

I am convinced that when people say they want campaign reform, what they are saying is 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 608 to 4,729 in 1992; PAC contributions to

House and Senate candidates increased from $8.5 million in 1974 to $189 million in 1992; 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.

And, incidentally, those are almost all Democrats who run with the support of organized labor and the teachers unions and so forth.

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 33.8 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 89 percent of all PAC contributions, $119,779,287 versus $17,302,125 for challengers; and corporate and trade association PAC's give over 90 percent of their money to incumbents.

With my amendment, all PAC's or segregated separate funds in the parlance of the Federal code, maintained by unions, corporations, trade and health associations, membership organizations, cooperatives, and corporations without capital stock—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 or those not affiliated with a sponsoring organization, such as Emily's List, the type of PAC which is comprised of ideological and single-issue interests.

So, Mr. President, what we are trying to eliminate is all these PAC's, and I have just gone through them. The Pressler amendment would have eliminated all PAC's. We passed it here in the Senate. The amendment's prohibitions included the segregated separate funds, in the parlance of the Federal Code, maintained by unions, corporations, trade and health associations, membership organizations, cooperatives, and corporations without capital stock, who can now have PAC's, savings and loans and shareholder insurance companies—all these entities would no longer be able to have their PAC's participate in Federal elections. Also included would be the unconnected PAC's, those not affiliated with a sponsor organization, such as Emily's List.

Let me say a word or two about this, another phenomena of this campaign reform bill. Regardless of what your position on abortion is, the proponents and opponents of abortion are treated differently in the Democrat's campaign reform bill. Let me tell you why.

There is an exemption for Emily's List from bundling. They can do as much bundling as they want. Emily's List is a feminist PAC or feminist organization, not necessarily, and it organizes bundling, that is checks are collected and gathered together and given to a candidate, but are reported as individual contributions.

Now the Right to Life organization, on the other hand, will be prohibited from bundling. They could go out and do that. And why is it that the extremely liberal Democrats are treating the proabortion forces in a more favorable way than they are the anti-abortion forces? I would say that whether if you are for or against abortion, this Emily's List exemption is something that you should look into.

I have grown a bit weary of the liberal Democrats preaching morality and preaching campaign reform when in their own bill, they are doing something very unfair to a group that they do not agree with, namely, the Right to Life group. But Right to Life is treated exactly the opposite as Emily's List. Emily's List has the reputation as the most so-called feminist and so-called proabortion group in the United States. And that is all right. It has every right to exist.

But why is it treated at a different level than Right to Life? Can anyone tell me? I think the answer is because Emily's List propounds those beliefs that are held by the extreme left in the Senate of the United States. That is the truth of what is going on here. That is what I mean. This whole thing is a sham. This whole campaign reform bill is a lot of nonsense. It is an embarrassment to the Senate, and several newspaper editorials have said that. It is an embarrassment that we are standing here talking about this legislation because it is not a reform bill at all. It has been manufactured by the very liberal incumbers to protect themselves and their friends in the PAC community.

My amendment the Pressler amendment, redefined political committees so that only the campaign committees of candidates and National, State, and local political parties could make contributions or solicit or receive contributions or spend money to influence Federal elections.

The amendment contained a provision that should a ban on PAC's be determined to be unconstitutional, then PAC contributions of $1,000 would be allowed. This is the PAC contribution limit suggested by President Clinton during the campaign.

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, using virtually the same language as my amendment. Unfortunately, when it returned to the Senate after the House and Senate conferees were done with it, the PAC elimination provision was dropped.

I am afraid history is about to repeat itself. The current House amendment to S. 3 guts the original Senate-passed language, which included the total ban on PAC's, and inserted its own language, which continues to recognize PAC's. President Bush vetoed campaign reform legislation that failed to ban PAC's, and I supported him in the Congress' unsuccessful attempt to override his veto.

The public is wary of the perceived influence generated by the large fundraising power of PAC's. Big financial contributors are suspect. My amendment called for us to do only that which this body did in the last Congress—get the PAC's out of elections and give back to the people their elected representatives. 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 appreciated his assistance in developing the PAC ban amendment. I hope my Senate colleagues will continue to support elimination of political action committees, and hold out for a bill that does so.

DIVERGENT VIEWS

As I noted earlier, Senate Republicans have led the fight to ban PAC's. Democrats, recipients of two-thirds of the PAC money in congressional elections, did not address the issue until 3 days before the Senate debate on campaign finance reform was scheduled to commence in 1990. At that time a new Democratic reform bill, which included the Republican PAC-ban, was announced by the majority leader.

After years of pushing bills designed solely to seize the high ground on the reform issue—secure in the knowledge President Bush would veto taxpayer funding and spending limits—Democrats are now in the position of formulating a bill they can live with after Bill Clinton signs it into law. That may explain why, early in 1993, the PAC-ban provision Senate Democrats so belatedly included in 1990, had disappeared.

So the point is, in this whole charade that is going on, the Democrats said they were in favor of banning PAC's when they had a bill that they knew the President of the United States would veto. But now they have a President of the United States who will sign the bill so they have changed their position completely. It is such hypocrisy, and it should be exposed as such.

Just prior to the May-June 1993 Senate floor debate, Democrats included a flawed PAC contribution ban in their bill. My amendment, adopted before final passage of the bill, strengthened the provision.

After the bill passed the Senate, the Speaker of the House of Representatives announced that the PAC contribution ban was not acceptable, and

Senate and House Democrats have been squabbling about it ever since.

So suddenly the Democrats changed their position entirely. They said that a ban on PAC's is fine. They all voted for it. But, as soon as President Bush left office and was no longer there to veto the bill because of taxpayer financing and other things—and I will talk about taxpayer financing of campaigns—as soon as he was gone, they suddenly changed their position.

Mr. President, the Senate had better stand firm on the PAC ban issue or an already bad bill will be made a whole lot worse. I cannot support campaign finance reform legislation which does not take so basic a step as eliminating PAC's.

Another serious problem with the House-amended Senate bill is its creation of a loophole for Emily's List, a special type of PAC that specializes in bundling for a particular type of candidate. Emily—the acronym for "Early Money is Like Yeast"—List was founded by IBM heiress Ellen Malcolm, who also was a paid staffer for Common Cause from 1970–75.

According to the Almanac of American PACs: 1992, Emily's List only supports a candidate who can satisfy the following five conditions: Is female; is a Democrat; supports the equal rights amendment; supports abortion rights; and demonstrates a reasonable chance to win.

Now, to me that, as a white, middle-class male, if I may, if it is not politically incorrect to say that, I do not know if we have any rights left in this country, but that seems to me a very strange set of criterion for a group that calls themselves liberal.

The Almanac goes on to describe Emily's List as a "contribution bundling" operation. Bundling is a way for political contributors to magnify their clout by presenting a candidate with more contributions than they would be able to contribute on their own due to Federal campaign contribution limits on individuals—$1,000 per election—and PACs—$5,000 per election.

Bundlers, like Emily's List, solicit campaign contributors for donations and have the contributors make out their checks to the candidate, but instruct the contributors to send or deliver the checks to the bundler, so the bundler can present the checks to the candidate.

This bundling is what the very liberal Democrats are so good at. They do this with one hand while working for campaign reform with the other, and then they put an exemption for Emily's List in the campaign reform bill. It is absolutely amazing.

The Senate-passed campaign finance bill restricts bundling by requiring the bundler to count toward his applicable contribution limit any checks bundled for candidates. The House bill also contains the restriction, but makes an exemption for nonconnected PAC's. Nonconnected PAC's are PAC's that are not connected to a corporation or union. They usually are ideologically oriented.

The House campaign reform bill is nothing like the one the Senate passed. Both are bad, but there are big problems with the House bill. First, it does not get rid of PAC's like the Senate bill proposed because of the Senate's adoption of the Pressler PAC ban amendment. And second, it allows bundling by special PAC's like Emily's List. The Senate bill does not give Emily's List any special treatment when it cracks down on bundling.

Bundling, the practice of collecting a lot of campaign checks and delivering them to the candidate, is bad because it makes the bundler seem more influential than he, she, or it really is. Bundling buys more influence with the candidate, far more than the contribution limit the law puts on people and PAC's.

In other words, I can go out and get 40 checks for $1,000 for a certain candidate, put them in an envelope, take them and hand them to the candidate. This is bundling. And that is an immense potential power. And Emily's List is exempted. Whether bundling should or should not be right is not the point I am trying to make. I am trying to make the point that the very liberal Democrats preserve bundling rights for groups that support them the most, such as Emily's List, and eliminate, as I have said, other groups that do not support them, such as Right to Life. Whether you are for or against abortion, it is unfair to have the most proabortion group in the country free to bundle checks for their candidates while Right to Life if prohibited. Why so? Where is the sense of fairness here in this sham called the campaign reform bill?

The exception for Emily's List is hypocritical. Why is bundling bad for everyone except Emily's List? Apparently the Democrat liberals who control the House of Representatives like this group because it backs only Democrats, women, and candidates who are proabortion.

If this nonconnected PAC loophole survives the legislative process and is enacted into law, it would be a travesty in the campaign reform process. Connected PAC's might try to reorganize themselves as nonconnected PAC's so that they, like Emily's List, could remain in the business of contributing big amounts of money to political candidates.

The two major campaign reform watchdogs, Public Citizen and Common Cause, have come out against the Emily's List loophole, as has National Right to Life, the New York Times, the Washington Times, and the Washington Post. The Congress should not allow this loophole to stand in any campaign reform legislation it passes.

The last point I would like to raise at this time against the bill is the matter of public financing. The House proposes to provide communication vouchers to candidates who comply with voluntary spending limits. These communication vouchers would be reimbursed by taxpayer dollars from the U.S. Treasury. Even the Senate bill has some modest public finances in the form of postal rate subsidies.

Less than 20 percent of my fellow South Dakotans allow tax dollars to be used for public financing of Presidential campaigns. This money is designated when you check off on your income tax return tax money to be used for the Presidential campaign. In my State, only one-fifth of the people check the box on their returns. It is about the same around the Nation. That means people really do not believe in this business of taxpayer's money paying for campaigns.

We do not want Government-run campaigns. That would set up more Federal bureaucracy. The Federal bureaucrats decide who gets the money. That is what this is leading to. That is in this bill that is on the floor. You cannot convince me that expanding the taxpayers' subsidization of political campaigns to Senators and House Members will increase the sentiment of my constituents to underwrite the campaigns of politicians. Most likely the percentage will plummet further as the folly of spending scarce public resources on nonessential purposes is realized.

My mail from constituents does not tell me to spend more tax dollars to finance campaigns for politicians running for office. The letters say cut spending, pare back nonessential programs, and do not raise taxes. I am following my constituents' wishes by not supporting a campaign reform bill that would have precisely the opposite effect.

Let me say this. Basically, I believe in less Federal Government. If the States want to do more, fine. If local government wants to do more, maybe it is necessary. Indeed, I feel that the Federal Government is an intrusive presence on many of the activities of the daily lives of farmers and small businesses and teachers and citizens in my State.

Let me also say that I believe in taking care of people, helping those who need help, and I believe strongly in assisting the very poor and the disadvantaged. But most Federal programs do not do that. In fact we had all those war-on-poverty programs in the 1960's. And I remember them well, because I was one of those who was hopeful they would work. None of them have worked. There are just as many poor people now, on a percentage basis, probably more. We have just institutionalized the problem. And all of those programs were failures, if you really

analyze them through to the end, because nothing has changed. It has aggravated the situation.

Now let me be perfectly clear. I will not support a final campaign reform bill that does not eliminate PAC's or one that contains public financing or establishes protections for certain groups like Emily's List. PAC dollars, tax dollars, and special favors are not campaign reform. They never will be. If a conference committee sends such a bill to the Senate, I will oppose it.

I am hopeful that we will be able to develop a bill that resembles real campaign reform, one that bans PAC's, does not rely on public financing, and is fair to all. We must do better than we are doing today.

Mr. President, let me make an observation here. Let me make a humorous observation, if I may. As I said earlier, when I was a little boy I was somewhat shy of public speaking, so I became a Senator where I could speak when nobody was listening—virtually nobody in the Chamber, or the press galleries. Maybe my mother is listening in South Dakota. It is now about 7 o'clock out there so she is probably awake. But I hope other people are listening, because this is a very important subject and nobody understands or wants to understand what is going on with campaign reform.

As I said, somehow the people of this country found out what was in that crime bill that we in this Chamber passed; but I voted against it, and people were aghast when they found out what was really in that bill.

Let me say that I am in a position to say that this campaign reform bill is in the same category.

Let me add some quotes from some articles and editorials that have come our way.

From Forbes magazine:

> The Senate-passed campaign finance reform bill is a fraud. It is nothing more than an incumbent protection act * * *.

That is from Forbes. Maybe we would expect that from Forbes. Somebody would say, well that is probably a business magazine.

Here we have the New York Times. A liberal paper. Unapologetic, politically correct. I could not criticize the Times. I read it every day. It is a fine paper. Its editorial page is unapologetically liberal and politically correct, as we say in our time. I think their publisher says that, or they are just very open about it. Good for them. At least they do not try to be in one place and say another thing in another place.

That is another aspect about this Chamber and about politics in America today: Everybody goes home and says they are for campaign reform. But here in Washington, DC, they support a bill that is not campaign reform. A lot of people talk differently in politics than they vote.

Now, for example, the best way to get elected and reelected to the House or the Senate is to vote extremely liberal, to stay close to interest groups that are very liberal. But back home, talk conservative.

That is the formula. It is very dangerous to remain a Member of this body, to vote conservative, and to talk conservative, because if you vote conservative you are going to lose the support of all of the PAC's and of all of the special interest groups. Your voting record is sent around during elections. They say you voted against everybody. You voted against the Government employees; you voted against building a new dam; you voted against these various things.

But conservatives are for a lot of things that are needed. Conservatives are not just against. We are positively for State and local government taking actions on needed projects that are recognized by the local people as needed. We are not for intrusive Federal Government. But that is the formula that is used. It is absolutely phenomenal.

The way to get elected and reelected to Congress, generally speaking, is to vote very liberally, deny it back home, talk conservative. That way you get the financial support of the special interests, and an amazing amount of money.

People assume you are pretty conservative from your speeches—that is exactly what is happening in this particular bill. People are talking about campaign reform back home, but they are supporting a bill here that has no reform in it, but just protection of incumbents. The New York Times wrote about Emily's loophole. I already talked about that here today, bundling. How they gave an exception to this proabortion group, while not allowing Right to Life to have it. I think we should be well aware of that.

Next, an editorial entitled "Emily's Lesson," the Washington Post. Another story of how the liberal Democrats want to exempt their groups, their favored groups, without allowing the more conservative groups to have the same exception. And by the way, I do not think either group should have that exemption. That is neither here nor there. "Partisan Campaign Finance Reform," another fine editorial from the Washington Times.

Next we come to the Chicago Tribune, "Campaign Finance Reform, No Friend of Democracy." It tells about how the U.S. Senate is in one of its periodic attempts to banish public cynicism about campaign financing without banishing any of the fortunate souls now installed in the U.S. Senate which has approved a bill. Majority Leader MITCHELL said we will reduce the money in Federal election campaigns, and so forth.

Next we have an editorial from "Roll Call" about ditching the spending limits. It goes on and on.

So, there are, across the country, some people catching on to what is going on here. There are some people who know what a sham this whole thing is. But I do not know if the general public does. And that is part of the purpose of this debate, to make an effort to cry out with some facts about how Emily's List is treated differently than Right to Life, for example. And about how public financing is coming in the door with this, while people are told back home that that is not the case. The business of saying one thing, in Washington, DC, and saying something else back home. That is what this is all about. So we are trying to say what it really is.

I have an editorial entitled "Common Gridlock." We talked a little bit about Common Cause and I want to say a few words about our good friends at Common Cause. They would purport to be a bipartisan, fair group. But they are extremely partisan. They support and are in collaboration with the liberal Democrats, and the liberal elements of the press. And they have become a fraud in this whole process.

I very much admire a Senator from North Carolina, a Democrat, who has now departed this body, but at one point he was chairman of a committee that had some dealings with Common Cause. Even he wrote them a letter and told them what a sham they were.

Now, people receive mail in my State from Common Cause. It says "Congress up for grabs to the highest spenders." "Congress for sale." "Special interests corrupting the U.S. Congress." "Flood of special interest money keeps Senate from solving pressing problems." This is the kind of terminology Common Cause mails out.

Those words and similar ones have been brought to your mailbox courtesy of Common Cause, the self-appointed, self-anointed citizens' lobby which is again seeking to scare and bludgeon Congress into passing its version of campaign finance reform. And now, for the fourth Congress in a row, the prospect is of that happening.

The point is, this article is an exposé of what Common Cause really is, an exposé that states it is not the public interest group that it claims to be, that in fact it is aligned with the very liberal Democrats, and that is all there is to it. And we should remember that as we go along.

We have a number of other editorials here. From the Chicago Tribune—the campaign finance ruse—which points out what a fraud this whole debate has become in the Congress. Where a bill is put up which will protect the incumbents, and which has nothing to do with reform, and how the citizens of this country are being fraudulently misled.

Larry Sabato, the leading political scientist in Virginia, says this about campaign reform: "Beware the election reformers." Starts out "fraudulent, deceitful, dangerous, nonsensical." These

are a few of the printable words to describe the campaign reform package. That is an interesting article, because the academic community is starting to chime in a little bit, although I wouldn't be too hopeful about them.

Mr. McCONNELL. Would the Senator yield?

Mr. PRESSLER. Yes.

Mr. McCONNELL. Virtually everyone in the academic community shares our view of this bill. It is very, very, difficult to find any academic in support of this bill. So it is not an overstatement when the Senator says that the academic community is overwhelmingly in our corner on this issue.

Mr. PRESSLER. I thank my friend very much.

I think that is significant. The academic community is generally thought to be liberal Democrat, to put things bluntly, and even they say this bill is a sham. That is even further evidence that it is.

Of course, we have here George Will, we have a number of other people, and so forth.

So, Mr. President, I believe I will start winding up here, summarize a little bit. I know that the other Senator from Kentucky had asked me to yield for some questions, and I would be glad to yield to him for questions but not to give up the floor. I did not mean to be disrespectful. When another Member asks to yield for questions, I normally yield. But I did not because I wanted to make my presentation first.

Let me summarize by saying that I am in favor of campaign reform. But that is the same sentence every Member of the House and Senate will say. It is fine with me. The part of my job I like least is raising money. I yearn for the day when I can sign my last FEC report, and close my committee down. That is going to be one of the happiest days of my life when that comes, when I finally can stop my campaign committee, and when I no longer have to have a campaign fund to pay for legitimate expenses. I am absolutely tired of the FEC. I spend thousands of dollars a year meeting FEC regulations and requirements. At any minute, I could be sued by somebody, I suppose, for making some little mistake in my FEC reports. This is the most unpleasant part of my job. But I do not know what to substitute for it—certainly not this piece of legislation. Am I going to say the taxpayers should pay for my campaigns? No. That is what this bill says. Am I going to say PAC's should pay for my campaigns permanently? No. That is what this bill says. Am I going to say that some very liberal group such as Emily's List can be exempted from bundling? No.

So, Mr. President, that is where I stand. I repeat my offer to the other Senator from Kentucky, if he has questions. He came on the floor and tried to ask me a question earlier, but I was presenting some material and I wanted to finish it. I did not mean to be disrespectful to him. I would be happy to engage in questions and answers with anybody, provided that I do not have to yield the floor.

So, Mr. President, let us go forward and say in Washington, DC, the same thing that we say in our campaign speeches back home. I will be returning to my State in October—I am not up for reelection this year, but I am going to be about my State and having receptions for State legislative candidates, and I am going from county to county trying to help them. I hope I do not hurt them too much. I will campaign for members of my party in our State races. I spend time every 2 years volunteering my services to any county organization in my State. They usually invite me, but I emphasize that anybody who has Washington tags on them might be more harmful than helpful in terms of endorsing candidates.

Nevertheless, I will be holding open meetings in my State. We have a small population, compared to some other States and, therefore, citizens can directly speak with their Senator and can come to meetings and ask questions. Perhaps our meeting agenda and questions and answers is more exhaustive than some of those from larger States where it is almost impossible to reach a very big portion of the population. I shall be telling them the truth about this campaign reform bill. I will be telling them the truth about what is really going on here.

We have a phenomenon in my State in that the leading chain newspapers are extremely liberal. They praise liberal politicians and they praise liberal ideals. By "liberal," I mean in the partisan sense of it, because we are all liberals when it comes to human rights and some other things. It is in the modern political science sense that I am using the term. I do not know the reason for their liberalism. Maybe it sells more newspapers. But these papers do not tell the truth. They do not publish voting records on the Members of Congress because they want to protect liberal Democrats who are incumbents.

This campaign reform bill is yet another extension of that protection of the liberal Democrat incumbents. It is an extremely amazing thing how all these interest groups work together, such as Common Cause, the left-wing of the Democratic Party, and the interest groups that give them so much money. So we are in a situation where we are trying to use these speeches to educate anybody who will listen and to let them know what is really going on here in this Senate of the United States.

I will close by thanking my colleague from Kentucky for this effort. I think it is a very important event in our Nation's history that we work on campaign reform, real campaign reform. I do not believe there has ever been as skillful a parliamentary maneuver as the Senator from Kentucky has devised at present to allow us to use our time discussing in a concrete way the reforms we very much need.

I know my friend from Indiana is waiting to speak, so I will wrap up here. I thank the Senators who did the graveyard shift, because they contributed a great deal. I hope that the citizens of our country will hear us out. I know the national newspapers are going to all report and have headlines that the Republicans are blocking the campaign reform bill. We are not blocking a reform bill. We are blocking this bill which is not a campaign reform bill. The ban on PAC's came from the Republican side of the aisle. We sponsored a real campaign reform bill. But there is not one before us today.

(Mrs. BOXER assumed the chair.)

Mr. PRESSLER. Madam President, I yield to my friend from Kentucky.

Mr. McCONNELL. Madam President, before my friend from South Dakota leaves the floor, I thank him for his important contribution to this discussion, not just in the past hour but over the years. I will remind our colleagues once again that it was the Senator from South Dakota who offered the amendment that abolished political action committees. He has been our leader in attempting to abolish, or at least diminish significantly, the significance of PAC's, and I commend him for his statesmanship in that regard.

Of course, as the Senator from South Dakota commented at the end of his remarks, we are proud to be here today to let some light shine on this bill. We have two goals. One is to kill this unfortunate piece of legislation, to drive a stake through its heart for one last time after 7 long years. And also to inform the public what is being perpetrated here at the 11th hour—a new entitlement program for us, at taxpayer's expense, here at the 11th hour.

I see my friend and colleague from Indiana here. We welcome his participation. I say, as I yield the floor, that we have more speakers than we have time for. We are getting additional calls now that the sun has risen. We will try to accommodate as many as we can as we finish up the 30 hours.

I yield the floor.

Mr. COATS. Madam President, I want to repeat the phrase that has been deservedly given to the Senator from Kentucky for his prodigious efforts on this important piece of legislation. I doubt if there is an individual in America that is better versed in the entire subject of campaign finance than the Senator from Kentucky. He has displayed a mastery of this subject that is seldom seen on the Senate floor. He knows the intricacies, ins and outs, ups and downs, and he has been a persistent, tireless, champion of reform in

the correct sense and a persistent, tireless, opponent of the so-called reform that I think he so aptly describes as a new entitlement program, which is for a very special class. It is an entitlement program not for a group of Americans perhaps suffering from some concern that Congress could address, but an entitlement for the 535 Members of the U.S. Congress, paid for by the American taxpayer.

I commend the Senator as he leaves the floor for his efforts in arranging this opportunity for Members of our party to stand and, at length, support his efforts and point out to the American people just what the U.S. Congress and Senate is attempting to do in the waning hours of this, the 103d Congress.

We only have a couple of weeks left, or so, before we adjourn for the campaign. There are important appropriations matters that need to be dealt with before we adjourn. Those are the items that we ought to be discussing here on this floor. But to bring this bill to this floor at this time, so that a claim can be made that the Congress has responded to the will of the people, the cry of the people for reform, I think is perpetrating something on them that they are going to find out is not what they had in mind when they asked for a change and reform in Congress.

Throughout our Nation's history, indeed throughout the entire course of human events there has been enthusiasm, moral fervor, and most of all, the passionate conviction that this program, or that program, or this policy, or that policy, is going to save the Nation, is going to save the world, is going to save and solve the problem that exists. And so it seems that every other major piece of legislation that comes before us has the word "reform" in it. Somehow, if we can just insert the word reform into the title of a bill, then it is viewed as good Government; it is viewed as Congress being responsive to the needs of the people; it is viewed as an effort to bring about a transformation of existing policies and imposing new policies, which new policy will right the wrongs of the past.

But as philosopher George Santayana said: "Ultimately, it is all fraud." In his famous work "The Life of Reason" he wrote:

> A thousand reforms have left the world as corrupt as ever. For each successful reform is founded a new institution, and this institution has bred its new and congenial abuses.

Around the turn of the century, reform movements in New York were so popular they led to the formation of what were called good government clubs. Later, however, after these so-called good government clubs were formed, and in themselves became institutions, they became better known by a different name, a slightly more disdainful name; they were referred to by New Yorkers as the Goo-goos, or the Goo-goo clubs.

Madam President, we have seen a lot of goo-goo reform come out of this session of Congress and so-called reform come out of this administration and its agenda, and the leadership of the Congress. We have had health care reform. We have had the promise but not the reality of welfare reform. And we have even seen, I believe, what could be characterized as foreign policy reform. In every instance, what may have been a good idea has been transformed into the kind of reform that Santayana says "simply breeds and founds a new institution which will in itself breed new abuses."

Usually when reform bills are presented, we find that once we get beyond the rhetoric, the promise of change, the promise of reform, we end up with a bill that not only corrupts its original intent but ultimately, and almost inevitably, increases the power and the authority of the Federal Government, threatens individual freedoms guaranteed by the Constitution, and drains from the American taxpayer millions of dollars in new subsidies to fund reform.

We spent a considerable amount of time this year discussing health care reform. The promise of health care reform and the rhetoric of health care reform was that every American would have a little plastic card to carry around in their pocket, and that plastic card would simplify their life; that plastic card would guarantee them better health care, and provide it in a more efficient manner, provide it in a more cost-effective manner; we would remove from current health care system all the abuses and all the inefficiencies and all of the inequities, and the provision of this little plastic card would give Americans a reform they have been looking for in health care.

So the rhetoric and goals, as outlined by the President in his address to the Congress, were goals which we all applauded. But then the reality hit. The reality was a monstrosity of a piece of legislation, weighing 14 pounds, containing 1,300-plus pages of what this so-called reform was supposed to be. As we examined that legislation and all of its variations, we discovered that Santayana's words were prophetic indeed, because that reform founded not only a new institution; that reform expanded the role of Government in the lives of American citizens and in directing the economy of this country in an unprecedented way, in a manner that has never been attempted before, 50-plus new Government bureaus and agencies, 270: some new duties and responsibilities mandated to the States, 870-some new duties and responsibilities for the Secretary of Health and Human Services, 71 new duties and responsibilities for the Secretary of Labor. It was almost incomprehensible to imagine the number of agencies, the number of new Government bureaucrats, the number of new Government functions that would have been created under this legislation all in the name of promising simplicity, all in the name of promising cost-effectiveness, all in the name of guaranteeing new rights, yet at the same time denying freedom for tens if not hundreds of millions of Americans.

So that so-called reform which came ironically at a time when there was a growing consensus among both liberals and conservatives, Democrats and Republicans, that the last great social reform experiment, welfare reform, was now a dismal, utter failure. Instead of promising freedom to individuals caught in the trap of poverty, welfare reform has created a whole new class of dependency.

I am not here this morning to talk about the failure of welfare. That is a program that has not lived up to its promise or produced the desired results and, in fact, created as many problems as it solved, and that is something this Congress will have to address.

Nor am I here really to talk about health care reform because we have spent a great deal of time doing that and I have tried to be outspoken in support of meaningful changes in our health care system that will bring efficiency of service and delivery of health care to 255 million Americans, but in opposition to the gargantuan monstrosity that was presented to us on this floor based upon the premise that somehow Government, the infusion of Government oversight, an infusion of Government bureaucracy, was going to bring about more efficiency in our economy; that we could carve out 15 percent of the current economy, market-based health care system that operates in this country—we could carve that out. And if we put Government bureaucrats and the Congress in an oversight position, in a regulatory position, we could make this system work better.

I raised the question to Mrs. Clinton when she came before our combined meeting with the Senate Finance Committee and Labor and Human Resources Committee. I said: Mrs. Clinton, what you presented here appears to me to be based upon some false premises. It is based on the premise that Government is more efficient than the private sector. Yet, I cannot think of one Government entity that performs a service for the American people more efficiently than the private sector when the two are in competition.

I said: Perhaps you can name one for me, but in my review of the services that are provided by this Government in comparison to a comparable service provided by the private sector, I cannot think of a comparable situation. Nor can I come up with a Government service that is more cost effective in delivering that service.

We have a history in this country of creating Government programs with a promise or a projection that the expenditure will be a certain amount and cost to the taxpayer, and yet the reality is that that expenditure generally exceeds the promise by a multiple of several times over what was anticipated.

I gave her some examples and suggested that perhaps she knows of a program where Government has met its goal of delivering that service and met and retained the cap on cost that it had promised to the American taxpayer. Every bill that comes before us, we get these projections from the Congressional Budget Office and the Office of Management and Budget that will say this will only cost the taxpayer x dollars. And yet, as we go back and review these programs, we find that the cost inevitably escalates far beyond our original projections.

The other problem that I pointed out to her is that Congress is a political body, and as a political body it is subject to the inevitable temptations of yielding to outside pressure, outside interests, of adding to what was originally intended because we love to say yes and it is difficult to say no. It is a lot more fun going back home to your constituents and saying: Yes, I heard your request and yes, I think we can deliver.

It is not fun at all to go home and say: Yes, I heard your request but I know we cannot deliver. We do not have the funding, so we will have to raise your taxes.

Because we have the ability to float debt, we are in the unique position, unlike any other institution in the world—the American family, American business, universities, any other institution—every other institution knows that when it goes into debt, it inevitably has to pay that debt, and that interest cost is going to mount, and too much debt will bring down the institution.

Only Government has the ability to go into the basement and print more money and float new debt and postpone a day of reckoning—beyond what? Beyond our political careers, beyond the next election. So now we stand at a $4.6 trillion national debt. That is going to have to be paid someday by our children or our children's children. And it is going to stifle and crimp and deny the ability of the American economy to be a vibrant, healthy, dynamic, growing economy as we become saddled more and more with debt and more and more with debt created by entitlement programs that this Congress enacts.

So now we are looking at a brand-new entitlement program, an entitlement program that seems to me to be the most outrageous use of all entitlement suggestions. This is not an entitlement program for a special class of American people, unless there is just one very unique special class that is going to benefit from this entitlement program, and that unique special class happens to be the 100 Members of the U.S. Senate and the 435 Members of the U.S. House of Representatives.

What a gift this would be to the Members of Congress, particularly the incumbents, who now will no longer have to take their case to the people that they represent to fund their elections, but can simply draw on the Federal Treasury of money extracted from the American taxpayer to finance their political careers.

Now, as we have learned with all other entitlement programs, once you create an entitlement, a lot of people want to take advantage of that entitlement, so there is going to be a proliferation of candidates running for office because there is a pot of gold waiting for those who put their names on the ballot. That pot of gold is a pot of gold created by the taxpayer, put into a fund, and then drawn on by those seeking office.

Of course, the beauty of it all is that the incumbents, those who are already well known, who have established their name identity with the people that they represent, will be matched with individuals who do not have that name recognition, who do not have the opportunity to be on the evening news and to be quoted and to have the taxpayers fund their visits back to the State and their meetings throughout the year with the Rotary Club and the PTA and the Good Government Club, and the various other functions that we attend.

So they have already a built-in advantage, and now the expenditures are going to be equalized between the candidates, and those whose salaries are paid by the American taxpayer are going to have their campaigns, their campaign expenses, paid as well. It is the ultimate in entitlements.

In 1991, in testimony before the Rules Committee, an official of Justice Department made the following point, which I believe should be the guiding principle of any bill that purports to reform campaign financing, and I quote him:

> 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.

And yet, in the bill before us, the so-called reform contained in this bill desecrates the first amendment and every American's right to free speech. Under this bill, any candidate who chooses to exercise his right not to participate or to spend over the limit, any candidate who chooses the right to seek financing outside this system that exceeds the limit, that candidate would not only be deprived of the taxpayer financed benefits his opponent would receive—communications vouchers, reduced mail rates, super broadcast discounts—but that candidate would also be subject to a series of punitive provisions that I believe violate the first amendment. Let me name some of them:

The so-called scarlet letter disclaimer. Any candidate who declined to participate in the entitlement scheme of having the taxpayers finance their election would be forced to run a disclaimer at the end of every political ad, and that disclaimer would read: This candidate has not agreed to voluntary campaign spending limits.

The clear implication is that if you extracted from the taxpayers money to pay for your campaign, you are a model candidate, you are a good citizen, but if you paid for your campaign through legitimate donations from your contributors, you are somehow a shady character. Because at the end of every ad, you would have to say, and this would have to be stated: This candidate has not agreed to voluntary campaign spending limits.

Why not put a big "V" on their chest as they campaign throughout the district; "Violator, violator; this person decided to fund the campaign from contributions of the people who elect him instead of taking it from taxpayers all over the country."

If I hear one thing more than any other statement about the so-called campaign financing paid for by the taxpayer, it is people that come up to me and say: I will be darned if I am going to have my hard-earned money used to finance a campaign of Senator So-and-So or Congressman Such-and-Such. I do not agree with one thing that persons stands for. If I lived in his State, I would move. You mean to tell me that you are going to pass a bill that would require me, would force me, to take the money that I earn and give it to Candidate Such-and-such? I would rather go to jail than give that candidate money. I will give money to whomever I please, whomever I want to support, the person that I believe best reflects what I believe in that will carry my message to Washington. I will be darned if I am going to send my money to someone who is going to go there and speak exactly what I do not want to hear and stand for exactly what I do not want to believe and pass legislation that I do not support. That is my right as an American. How can you take that right away from me?

When all else is said and done on this legislation, when we finish talking about PAC's and about soft money and about everything else, it ultimately comes down to are we going to force the American taxpayer to pay for the campaign of someone that that person does not support, does not believe in, and does not think ought to be a Member of this Congress. That is what it ultimately comes down to. That is the fundamental question we are debating here.

That is why Republicans are staying up all night working graveyard shifts to use any possible device that we can to explain this to the American people and to say, "No, we, as a party, do not stand for the principle that the taxpayer is going to be forced to fund a candidate that they do not support."

That is the bottom line. That is what this is all about. That is why we are here and that is why we will stand here and talk until we absolutely have no other option, until it is taken away from us, until it is ended. We are going to talk and talk and talk, because this is an outrage that is being perpetrated on the American people, and the Republican Party does not support it and will not support it, and we will do everything we can to stop it, even if it kills the bill that sounds good—campaign finance reform. But is a rotten piece of legislation.

Well, I was talking about the desecration of first amendment rights. You know, this bill also directs the Federal Government to counteract those who exercise their own first amendment rights to speak out against a candidate that they do not support by underwriting their opponents response.

Yes, you heard me right. This bill requires that if a candidate does not abide by the provisions of this law and decides not to take taxpayer funds to fund his campaign, this bill provides that the taxpayer has to underwrite his opponent's response. It almost defies credulity here to think that not only are we going to require individuals to fund campaigns of individuals they do not support, but if the person they do support decides that he is not going to participate in this forced extortion of funds from the taxpayer to pay for Federal campaigns, that their money has to be used to pay for the response that the opponent gives to the ads or the campaigning of the person they do support.

This bill tramples on political speech protected by the first amendment. It tramples on the tenth amendment by proposing Federal regulations in virtually ever aspect of State party activity undertaken during a Federal election. This bill, like health care reform, like welfare reform, will not work because the bill accomplishes none of the stated objectives.

As former President Bush so aptly pointed out in his veto message in a previous attempt to pass this legislation, not only will it serve to perpetuate the corrupting influence of the special interests and the imbalance between challengers and incumbents and limit speech protected by the first amendment, but it will inevitably lead to a raid on the Treasury to pay for the act's elaborate scheme of public subsidies.

What are those subsidies? The subsidies provided for in this bill could amount to well over $100 million every election year cycle—you heard me right, well over $100 million every election cycle—drummed up from the taxpayer to fund our campaigns.

Yet, like other reforms, this bill is silent on how these Government subsidies would be financed. When is the last time grandiose promises were made but little, if anything, was said about how it was going to be paid for? Well, it happens routinely, regularly. But we are not that far removed from the health care debate.

Remember? Guaranteed, blue ribbon, Fortune 500-plus benefits for every American, including 37 million Americans that now are underinsured or uninsured. All those benefits guaranteed. And when you stood up and said, "Well, that would be nice, but how is it going to be paid for and who is going to pay?"—you are almost drummed off the floor because somehow you were not sensitive enough to the problems that existed.

Every time you ask a question about a Government program—how is it going to be paid for—it is almost like you are un-American. I mean, "We will finagle that later. We will finesse that. Don't worry about it."

What inevitably happens is one of two things: Either we go into deeper debt, which is what we used to do; or, once in a while, we are honest enough to go to the American taxpayers and say we are going to have to increase taxes to pay for it. If that is what you want, you are going to have to pay for it now because we cannot keep loading on this debt.

But, once again, we are looking at legislation where the question has to be raised and has to be asked: Who is going to pay for it? How much is it going to cost?

Despite all the evidence to the contrary, the President's party still seems to have a problem recognizing that entitlement programs inevitably cost more than what is originally projected and at the same time do not deliver what they promise. And as I earlier pointed out, the failure of welfare. Just at the time when there is a growing consensus that welfare is a dismal failure, along came healthfare, which was going to be the greatest entitlement of all, and now we have campaign finance reform. I think an argument could be made that we are even now entering a time when the administration is promoting a foreign entitlement program. The idea that every nation has the right to political democracy and, by George, if they do not achieve it, we are going to send in the Marines to make sure they achieve it.

Jeane Kirkpatrick recently wrote an interesting article entitled "Is Democracy an Entitlement?" I do not intend to spend much time on this subject. It is a little bit off the track of what we are talking about, but we are talking about entitlements.

Let me just quote a couple statements from her.

She said:

Is there a "right" to be governed democratically by rulers chosen in free competitive elections? Does Haiti have such a right?

The Clinton administration thinks so, and has tried hard for many months to rouse support in the "international community" for action that will depose the military government of Haiti and restore elected president Jean-Bertrand Aristide.

It is interesting. She says:

No European ally of the United States will participate in the military phase of the Haitian operation. No major Government of this hemisphere will join in the invasion.

She says:

The fundamental justification for the use of force is that democracy should be restored. But the case being made for intervention finally depends on a postulated "right to democratic government" of which the Haitians have been deprived.

She says:

But the idea of a "right to democracy" that can be imposed by force is a dramatic departure from previous theory and practice * * *.

This "democratic entitlement" is rich in implications. If political democracy is viewed as "a human right" shared by all persons and if the "world community" has an obligation to use force to protect those rights, then of course it is appropriate to use force to depose Haiti's military government—or any other government that achieves power by force and violates its citizens' rights.

If we act against the government of Haiti on these grounds we should understand that it may be necessary to act again should President Aristide prove deficient in his respect for the right of Haitians.

And there is considerable evidence to suggest that, based on his past leadership in the nation of Haiti, so-called democratic leadership, those rights were trampled, and that is one of the reasons why he is now living in Georgetown instead of Port-au-Prince.

And if we act against Haiti we should do so understanding that there are today 55 countries judged by the Freedom House analysis to be "not free" and another 63 judged to be "partly free" as compared with only 72 "free" countries.

If the Clinton administration decides to use force against Haiti rather than against Cuba, China, or any of the other "non-free" illegitimate governments that deprive their citizens of demoractic rights, it must be prepared to explain why.

Why Haiti and not Cuba? Why Haiti and not China? Why Haiti and not some 100 other countries around the world which are not free, which are not democratically run?

Freedom and democracy are great goods, but self-government and self-determination and prosperity and peace are also great goods.

We want all these for ourselves and for others, even as we know that we will not be able to achieve them in the short run. * * *

It is precisely the bridge Clinton and Christopher must cross on their way to "restore democracy" in Haiti. Before they set out on this mission in which no substantive U.S. national interest is at stake, they should ask

themselves what precisely they intend to do upon reaching the other side.

Because if the democracy is a legal entitlement, is a new foreign policy of this Nation, then we need to begin to prepare the occupation of over 100 countries in this globe.

I talked about the costs of this entitlement. I said it was going to cost at least $100 million a year per election cycle. But that is assuming that the number of candidates will stay the same as currently exists. But as we have learned from every other entitlement program this Nation has enacted, the number of recipients grows exponentially, because once you set out to provide a benefit without a corresponding cost, the number of recipients of that benefit grows. And we have seen that in every entitlement program and the Government has created. And why not, if you are going to get something for nothing, why not join up?

In 1992, there were 1,200 more congressional candidates than in 1990—a stunning increase that no one expected. But how many more candidates will we have in 1996 or 1998 if we provide an entitlement to those candidates for choosing to run for elective office? How many hundreds or thousands of additional independent or third party candidates will run if they believe that the taxpayer is going to pay for their campaigns?

If direct candidate campaign spending is subjected to limit, how much are independent expenditures going to grow? And how much will we spend on the provision to counteract candidates who exceed their spending limit?

This is not a small point because under the Senate bill, for every candidate who spends even one penny over the voluntary limit, any complying opponent will receive a Government grant equal to one-third the general election limit. So if you go one penny over, your opponent now becomes eligible to receive a Government grant paid for by the taxpayer equal to one-third of the general election limit as set by law. That opponent could also receive additional installments of up to a total of 100 percent of the general election money. And there is no telling how many instances this provision would kick in.

Madam President, there are many variables to consider but even the lowest estimates entail hundreds of millions of dollars of expenditures. And, again, like health care reform, no precise cost is available because there is no final bill and the variables are impossible to predict.

Democrats have estimated it would cost $90 million every cycle just to provide funds to House candidates, and $200,000 per election and yet we know—we know that the average cost of an election is growing dramatically every year. That $200,000 will soon be nowhere near the average cost. So that $90 million figure is a bottom line, a floor that reminds us of a lot of other floors and entitlement programs that seem so minute now by comparison, to the total cost of that time.

It is not certain how the Democrats have arrived at the $90 million estimate. If only the Republican and Democrat nominee in each House election, not a third party candidate—we are seeing a proliferation of third party candidates, people getting fed up with the system and want to run as an independent—if just of the Republican and Democrat nominees in each House, not Senate, each House election, accept matching funds, that would cost $174 million. My estimate is that it will cost at least $200 million for each 2-year cycle just for House matching funds, and to counter the expected increase in independent expenditures.

The Republican Policy Committee estimated that the Government cost for a 2-year year election cycle would range from a low of $207 million to a high of $296 million, depending on the variables.

The Congressional Budget Office's low-ball estimates predict $189 million in 1996 alone if both House and Senate bills provide matching funds. That will increase to $203 million in 1998.

So what we are told as to the cost of this legislation, is already grossly underestimated.

As evidenced by the anemic response that the IRS has witnessed lately, with regard to that little checkoff box on our Federal income tax return—you know the one that you look up on your tax return and there is a little box there that says if you would like to contribute a $1 donation to the Presidential election fund, put a little check in there? Well, there has been a dramatic decline in the number of taxpayers who have chosen to check that box.

This is just for Presidential elections. You could argue that a national election, there ought to be some national expression of support, at least on a voluntary basis. But it is clear the American taxpayer does not feel a very great need to have the Federal Government invest their campaign dollars for them.

Again, as in health care reform and welfare reform, the American people are catching on. They are smart enough to see reform when they see it. But they are also smart enough to recognize it when they do not see it. They no longer are fooled by a title of a bill that contains the word "reform". They are looking ascance—in fact it is like a red flag, "oh, oh, here comes another reform bill. Hold on to your wallet. Let's check this one out."

The American people have rejected phoney health care reform. They are leery of promised welfare reform. And I would wager that if we give them a chance to vote on it, they will reject campaign financing reform.

I would like to talk a little bit about this idea of soft money and hard money, because to date, the campaign finance debate has been based not on the, what I would call good government arguments, but more on good politics arguments, because the bill is not, in my opinion, about spending limits, it is about taxpayer financing, and it is about protecting incumbents.

I think a look at the whole issue of hard and soft money will tell us why proponents of the Senate and House bills loudly proclaim this bill will shut down soft money. But like so-called reform claims on other issues, this claim is far from accurate, because what both the House and Senate bills do is selectively regulate soft money—not shut it down—selectively regulate it, and I would contend regulate it for political advantage.

Now before I continue here, let me state the distinction between hard money and soft money. Hard honey is money raised and spent directly by a candidate's committee. It is listed in the candidate's Federal Election Commission reports, it is subject to Federal regulation of limits, and it is publicly disclosed. No individual can give more than $1,000 per election in a cycle. And no political action committee can give more than $5,000 per election in a cycle. That money has to be disclosed. The name, the occupation, and the address of the individual contributing the money has to go on a report and it is made available to the public. If the public is not aggressive in seeking that information, the candidate's opponents will make sure that the public is well aware of who is contributing to the campaign.

The press, particularly, is vigilant in disclosing the campaign contributions to individuals, so that the constituents know who is funding this campaign, who is giving how much. But all of that is regulated. All of that has a lid on it. But that is the money for which the candidate goes out and makes his pitch, calls together a group of people for a coffee or a reception in a home or in a banquet hall, says I am running for Congress, this is what I stand for, here is my experience and this is what I will do if elected and I urge your support, and if you see fit, I would like your help, I would like your financial support. That is how we raise our money, and we are supported by you.

Currently groups under what is called political action committee—those political action committees actually assemble money from members of their association or their group, and make contributions of up to $5,000 per election per cycle.

When I first ran in 1980, the Indiana Farm Bureau called me in and I sat down before a group of their representatives who had been elected and designated to represent each county of the 10 counties in the congressional district that I was seeking to represent. I

spent about an hour with them. They asked me questions about my beliefs on farm policies, and agriculture, and they wanted to know my experience and my background, and what qualified me to run for office. They wanted to know, if elected, what kind of representative I would be, and how seriously I would treat agriculture issues, and what my understanding was of their livelihood.

Each candidate came in at a different time, back to back, and they evaluated it. I was fortunate enough, when a vote was taken, to receive a majority of their support. They said DAN COATS is the person that we are going to back in this congressional election.

They made a recommendation to their financial people, and those finance people had collected roughly $1 from each individual that chose to contribute to the Farm Bureau Political Action Committee. They gave me a check for, I believe it was $3,000 for my campaign. They said this represents contributions from 3,000 farmers across 10 counties, because it averages out to about $1 per recipient.

It is a way that the people involved in agriculture, farmers, could say, this is what we want out of a representative. We support you, because we believe you understand our issues and you will stand for what we believe in Washington.

It was not just agricultural issues. They wanted to know how I felt about the debt. "We have kids we are raising, we do not want to load this debt on them any more than you do. And we have got mortgages we have to pay off. We have equipment in debt. Lower interest rates are important to our future. So we want somebody that will carefully spend our hard-earned taxpayer dollars and won't go to Washington and waste it all or spend it all on those pork barrel, unnecessary expenditures we read about all of the time." I was proud to receive both their endorsement and their support.

But now, hard money and soft money.

Hard money, those are the contributions we receive. What people who support us, and are willing to reach into their pocketbook or wallet and write a check to us, that is what they are willing to put up. And to guard against abuse, they are limited in terms of how much they can give, and their names have to be disclosed to the public as to their contribution.

But soft money is not subject to those limitations and regulations. Soft money is undisclosed and unlimited under Federal election law. That is money that is used—it goes to State organizations, State parties, and other organizations that put out get-out-the-vote efforts. They print bumper stickers, they set up phone banks, but they are outside the direction of the candidate. It can be used for desirable purposes. It can be an indication of healthy political participation.

Proponents of both the Senate- and House-passed versions of the bill, however, would like us to believe that soft money is the sole province of the political parties. That no other entity outside of political parties utilize this soft money. And that since their proposal—because the proposal before us designates the political party's soft money ability, the proponents of this bill claim and maintain that this solves the soft money problem.

I am here to tell you today, it does not solve the problem, because the fact is, political parties are not the only players in the so-called soft money game. Labor unions and other groups are big, big, big players in this effort.

And that, Madam President, is where the problem lies. Not in the political party soft money, the party efforts that go on every election to register voters, to identify voters, to get the vote out on election day, to print the posters and to make the phone calls. In my opinion, those are legitimate activities. Those are volunteers working on behalf of either the Republican Party or Democratic Party, working down at headquarters, working in a phone bank, calling at night, doing the mailing. That is legitimate exercise.

The scandal lies not in the political party soft money, but in regulated, unreported, and unlimited special interest soft money, particularly that money spent by groups with tax-exempt status, and by some of the union groups. Fundamental difference, I would state, between political parties and other entities influencing the outcome of elections.

Now while it is true that the Democrat Senate Committee this year has spent a lot of money trying to influence the health care reform debate, political parties for the most part do not have a legislative agenda.

Generally, the Democratic National Committee, like the Republican National Committee, has a basic criteria for support, and that is that the candidate be a viable candidate of that particular party. And though it is true liberals tend to be Democrats and conservatives tend to be Republicans, and obviously there are exceptions to that, both the DNC and RNC support candidates of all philosophical stripes.

That is not the case, however, when it comes to other sources of soft money. According to most estimates, more than $100 million in special-interest soft money is spent in each election cycle. This nonparty soft money funds huge shadow campaigns which exert a tremendous influence on the electoral process.

Let me give an example. On the North American Free-Trade Agreement and on the striker replacement bill, which both Houses took up this year, various organizations stated flatly that there would be a quid pro quo for the vote of a particular Member. If they voted against the position of that organization on either of those two legislative items—voted the wrong way, against the one and for the other—that political support, soft money support, would be withheld in the next election. That is not an inconsequential threat for some candidates, because some candidates rely, to an extraordinary extent, not on contributions from constituents but on the soft money efforts of some of these organizations. They are very generous givers of soft money and receivers of soft money, and it has an enormous influence.

A lot of money has been raised this year by the administration from soft money efforts. In a passage of President Clinton's campaign book "Putting People First," he writes that "American politics is being held hostage to big money interests." Members of Congress now collect more than $2.5 million in campaign funds every week. While the industry lobbies in checks of $100,000, donors buy access to Congress and the White House.

Yet, ironically, even the liberal watchdog group Common Cause reported during the past 21 months that the DNC raised $40 million from corporations, labor unions, and wealthy individuals whose giving does not fall under Federal campaign finance spending laws. In other words, it is not regulated and not reported because it is soft money. That is $40 million in just the last 21 months, as reported by Common Cause.

An article in the Hartford Courant said:

> President Clinton has become the principal beneficiary of the corrupt campaign finance system that continues to thrive and prosper in Washington.

That was a quote from Fred Wertheimer of Common Cause.

Madam President, I have much more that I could say and that I would like to say, but I note that my colleague from Wyoming has arrived on the floor. I will conclude my time here by reiterating my compliments to the Senator from Kentucky [Mr. MCCONNELL], who is directing this effort, to ensure that the American people understand what it is we are doing here, and to ensure that they understand that in the last waning hours of this Congress, the entitlement of all entitlements, the entitlement paid for by the American taxpayer to free up a pot of funds for 535 Members of the U.S. Congress, is attempting to be created.

We, as I said before, are going to take whatever time we can possibly use under the rules to make sure the American people understand what is attempting to be perpetrated by this Congress, by this bill placed before us in the waning hours of the Senate—the "Incumbent's Protection Entitlement Program." It is an outrage, and as Republicans, we will do anything we can

to stop this from being perpetrated on the American taxpayer.

I yield to the Senator from Kentucky.

Mr. MCCONNELL. Madam President, before the Senator from Indiana leaves, let me thank him for his spectacular contribution to this discussion. At the end, he certainly summed up what we are about here, which is killing bad legislation. And we do it proudly, to let the Sun shine in on what is in this piece of legislation, as the Senator pointed out. We want the American people to know about this legislation. I thank him for spending an hour of his time to help the American people learn more about the underlying bill.

I see that our distinguished Republican whip is here, bright-eyed, alert, and ready to do battle for an hour.

I yield the floor.

Mr. SIMPSON. Madam President, while certainly the manager of this measure is still looking very alert and dapper, the rest of us look rather haggard. But this effort is something we feel we must do. I have been legislating now for about 30 years. I was the majority leader of the Wyoming House of Representatives and would often keep the House in session late into the evening—like all night. It is something that the leader must sometimes do. I think that is a very important thing for the people of America to understand.

I greatly commend my friend from Kentucky. I have learned much about him. He is an extraordinary man of remarkable persistence and direction. When he zeros in, it is like a laser beam, a homing device, and he sticks with it. That is a trait I have always admired of those in either party—"stick-to-itiveness," sticking with your principles. If you feel strongly about something, do not just talk about it, do it.

There are a lot of people in this arena, in both the House and Senate, who talk a good game, or "talk the talk," but do not "walk the walk." That is not the case of my friend from Kentucky. He is superb. I admire him greatly.

Well, here we are again with campaign finance reform. I am opposed to moving this body further down the legislative road of enacting so-called campaign finance reform legislation, which is, in reality, simply an effort to maintain the very worst aspects of current law, and then pay for the changes proposed to the current law with taxpayer funds. Republican alternatives, which were rejected on party-line votes, were aimed at resolving some of the real problems with current campaign finance laws.

The real problems are the special interest PAC's that seek to buy access with their contributions—while abandoning any semblance of political ideology. They gave up their role, in my mind, many years ago. Now they just give to both parties. We have a word for that in the lexicon of social activities, but I shall leave it out. They just give to whoever they think is going to be the winning "horse." Long ago, they gave up giving on the basis of their ideology, their philosophy. They no longer give to a candidate because they agree with his or her philosophy.

No, they simply want to be players. It must be embarrassing to PAC directors from time to time to see their names listed both by the Republican and the Democrat after an election. And, as we in the West know, it is very difficult to ride a horse like that, with one leg on one and one leg on the other. Of course, speaking of that, you know the difference between a horse race and a political race. In a horse race, the entire horse runs. Sometimes that is not the case in political activity.

Another real problem which is not addressed by the Democrats is "soft money." Certain remarkable "worthies" set up their phone banks on the outskirts of the village, out by the parapets, beyond the village wall, and then engage in character assassination of candidates. They are funded by contributions that are not even required to be disclosed to the Federal Election Commission. The funds are called "soft money." Its use is a terrible abuse of the system. The New York Times was correct to call it "sewer money."

The New York Times is not always correct—not often enough, at least, with this loyal correspondent. Lately, they have even left a couple of letters out of their masthead motto. But that is another story. I will go into that at some future time.

Our proposal would have eliminated the nonparty "sewer money". And this conference report, if enacted, would not even touch it—would not even touch it. I have seen that little "sewer money" operation with phone banks. It will happen again this year. It hasn't started yet, but when it does, the antennae of those in our party will go up very swiftly. It is a very simple operation. You hire a bunch of near automatons who man the telephones. I've heard this one used against a Republican: "Do you know this is the jerk who would take away your Social Security?" That is a very interesting comment to come over the phone. It is designed to send a chill through you, and it does. They say: "You would not want that jerk as your Congressman. So we hope you will vote against that person."

It is a very clever device. It works. If it did not work, they would not do it. The unions love to play this game, especially in a small State like Wyoming, where they think they can buy an election "on the cheap." That offensive to the people of Wyoming. We are not "on the cheap." But I saw them try to do it to my friend, MALCOLM WALLOP, in his last election campaign in Wyoming. It was a crude exercise. They set up the phone banks, and ran last-minute ads in his election. And two election cycles before that, there was a remarkable ad. It was a woman in a tattered cotton dress, toddling down her walkway to open her mailbox, which she did wringing her hands in appropriately pathetic fashion. She opened the mailbox and looked inside and said, "My Social Security check is gone. I wonder what happened to it." And then the headline said: "MALCOLM WALLOP took it." It was one of the most remarkable ads. The woman was actually quite healthy and is still going strong. But, she looked pathetically frail in that particular scene. However, she was actually quite robust. It was an effective ad, and it went around the State of Wyoming very swiftly. MALCOLM WALLOP had picked that poor old lady's Social Security check right out of her mailbox, I guess, in the stealth of the morning hour.

That is the kind of thing that we get. And the phone bank people then use that, and parlay it into even more hysteria. Do not think that around October 20 of this year, or October 25, that these little operations will not be geared up all around America with gusto. They can sense what is coming, but it is going to come anyway, whether they set up the phone banks or not.

Another real problem with the current system is collecting huge sums of money from folks who live outside your State and cannot even vote for you, yet they try to seek influence with their contributions.

Our bill attempted to reduce that influence by reducing maximum contributions from individuals living out of a Member's State from $1,000 to $500.

Why in the world should one individual from my home State of Wyoming be entitled to contribute to my campaign, but another might be prohibited from contributing by virtue of an arbitrary limit?

Our proposal would not have limited participation of in-State contributors to a congressional campaign—other than current limits on maximum contributions of $1,000 per individual. It really makes no sense to provide a cap on the total contributions a candidate could receive from folks who he represents or wants to represent. We are not talking about PAC's. We are not talking about soft money. We are talking about our constituents. A bipartisan panel of experts appointed by Senator GEORGE MITCHELL and Senator BOB DOLE concluded in their report that the real evil in the system lies in the source, the source of the money. And our campaign finance reform bill attacked those sources which the bipartisan panel found suspect.

We would have eliminated nonparty soft money. We would have eliminated

PAC's. We tried to reduce the maximum amount of out-of-State individual contributions. In summary, we tried to closely track the proposals of the bipartisan panel by the Democrat and the Republican leader.

We provided for flexible fundraising targets. Exempted from those targets were in-State contributions and out-of-State contributions of $250 or less. Acceptance of those targets would have entitled the candidate for reduced broadcast rates and reduced postal rates.

We all know regardless of party what happens to us in the election cycle with broadcast rates. It is much like the West. When someone understands that the Federal Government is involved in purchasing something or purchasing land, then suddenly the price of sagebrush really goes up.

So they see us coming. We are like boys and girls on the "turnip truck" on the edge of town, and they nail us on the rates. The rate system can be confusing. I never have figured out the point system that they use, but you need to be an atomic scientist to figure it out. But whatever it is, it is designed to extract bucks from candidates. Someday Congress will do something with that issue, but it is very difficult to take on those who can hammer us flat. And we are not very good at even trying that.

Reduced postal rates is another issue which we will pursue that again at another time.

We also tried to encourage greater party participation. However, it should be noted that ultimately political parties disclose all their expenditures.

Unlike "sewer money" schemes concocted by associations, businesses, and unions, our proposal fully empowered the individual and the election process, particularly the in-State voter, eliminated PAC's and "sewer money." We reduced the clout of those who cannot even vote for us in our States.

What we did not do was foist the cost of congressional elections on the American taxpayer. What we did not do was to provide an incumbent protection plan by reducing the opportunities for challengers to beat entrenched incumbents. What we tried to do was to follow the guidance of experts selected by the leaders on both sides of the aisle to assist us in achieving a fair, reasonable, and sensible campaign finance reform bill—and we had such a bill. We offered various provisions from it during our debate in June 1993. Although we had some Democratic support, these efforts were rejected, substantially along strict party lines.

It is unfortunate that the bills which the Democrat majority submits each and every year in tedium ad nauseam on this issue are substantially the same and, of course, the philosophical objections which we raise to those bills are nothing new either. It is perplexing. These Democratic initiatives continue to contain the core elements of those measures year after year after year. The same litany—taxpayer financing, "food stamps for politicians," as our leader from Kentucky calls them; spending limits, inadequate control over "sewer money," because that is the lifeblood for some of them; and less than due diligence in trying to eliminate PAC money. That is the understatement of the century.

Despite the fact the Republicans have tried to follow what the bipartisan panel advised us to do on the issue, it is the height of irony in this annual affair that Republicans are characterized by the Democrats as being obstructionists. And many in the media sadly and unfortunately seem to buy that characterization hook, line, and sinker.

I believe in the principles which we incorporated in our bill, and we are going to stick together to support those principles.

We believe that the House and Senate must play by the same rules. Now hear that. We believe that. If we are going to do a congressional bill, then it should apply to both Houses of Congress equally.

If certain kinds of campaign practices are unacceptable for one body in Congress, they should not be permitted in the other. Nevertheless, some Democrat leaders believe we ought to have two different sets of rules, one for the House and one for the Senate. How absurd.

If Republicans are going to be called obstructionists by saying both Houses of the Congress of the United States of America should abide by the same rule or if we are going to be called the masters of gridlock because we do not agree that taxpayers should fund our campaigns, then I say so be it.

This is what we believe. Most Americans want us to do this. And we believe that and we believe we have tried and will continue to try to achieve real reform, and we have tried, and thoughtful Democrats have assisted.

The President and the Democrats in Congress ran for office and espoused certain views and principles. They have a right to feel that they have a compact with the voters to pursue those principles. What is curious, most curious, in the accusations leveled at Democrats by Republicans is that their compact is not unique. They do not have a monopoly. Congressional Republicans also ran for public office. We were elected based on our principles, too. The voters that sent us here are no less important than those who elected Democrats to office. We too have a compact with our constituents to stand by the principles on which we were elected. And we intend to stick by those principles. Even if our efforts are not adroitly enough portrayed by the national media, we are going to do that.

Republicans have very few checks on the Democratic majority in both Houses and the Democrat in the White House. I think they are finding out that we are here, and we do participate, as we should in any democracy. I believe that we have very prudently used our procedural rights to work in the best interests of our country.

For instance, we have reduced spending levels by billions of dollars in various bills, like the National Service Act and the so-called Competitiveness Act. We have made very positive changes in the motor-voter bill, which we referred to "auto fraudo." We made positive changes with the crime bill. We made positive changes in the Hatch Act. We have defeated the ill-conceived measures like the stimulus package, and rangeland reform. That was of grave interest to my State, maybe not to many others. It was a fascinating debate. You would have thought we would have solved the entire budget problems of the United States just by sticking it to the "cowboys" in the West. It was fascinating. The entire cost of grazing fees is $30 million. That is it.

I sit here and watch the farm bill roll through here and I believe that we do $3.2 billion of support for corn, $2.4 billion for wheat. And as to the old cowboys out in the West, if we said: "You guys are going to pay $5 an animal unit." We would only be talking about $30 million. Yet we spent days listening to the President, to the Secretary of the Interior, and we heard dramatic, hysterical hyperbole. And it was all for naught. Nothing came of it, because it was really about fairness.

If you are going to deal fairly on an issue that is just about money, then you deal fairly on the other issues that are just about money. But what that really was, very simply, was people who have been waiting in the wings for 12 years for George Bush and Ronald Reagan to depart. They have been in their warrens and burrows on K Street waiting to get people and animals off the public land. Nothing more. Nothing. Forget all the rest of it. It does not even ring.

That is the way it works in this town. There is a reason for everything but then there is a "real reason" for everything. One of my most pleasant experiences—and I enjoy it thoroughly—is to try to find out the "real reason" for something rather than the one that is in the paper or the one one's opponent is speaking of with great vigor. Finding the "real reason" is always an interesting quest.

We also used our procedural rights, with bipartisan help, to kill the striker replacement bill. Major media editorialists agreed that it was a bad bill, a very bad bill, and they commended our efforts. We appreciate that. Of course that was a bad policy which needed to be defeated. That was not Republican gridlock.

As an aside, the House Democrats Study Group recently advocated eliminating the right of the minority—any minority, regional or otherwise—to conduct a filibuster. I guess that organization felt that eliminating that procedural right is what American voters wanted. I disagree.

I do not mean any ill-will by this, but on Tuesday the chairman of that study group was defeated in a primary election. He and I did not always agree. But I can tell you I would rather do business with him than many because when he came at you, it was like a Mack truck with six headlights right down the highway. I like dealing with people like that. The ones I have difficulty with are those who smile and slip you the "slider." Fortunately there are not many of those.

Nevertheless, as I say, I did not agree with him on many issues including our right to use the filibuster. He was often vexatious to our people in the West, but he very deeply believed in what he was doing. And I admire that, just as I admire that trait in Senator MCCONNELL.

I guess the point I make is that maybe, just maybe, the Republicans are not simply just a bunch of Cro-Magnons who have crept out of a cave in some prehistoric hillside, bent on disrupting great, lofty ideas, for an ever expanding role of the Federal Government in our lives.

Maybe we are sincere and, God forbid, even right—I know that is shocking—on issues every now and then. Maybe most Americans really do want us to provide a check on Government controlled by one party.

I think we are going to see a remarkable history lesson on that in the other body on November 8. I think it is going to be very much like what happened in Canada and Japan and Italy—great democracies, all—where they just swept people out in the snow with a big broom. Who would have "thunk" it? I think that will happen.

We passed a campaign finance bill in June 1993 right here. The House passed their version in November 1993. Republicans have not even been "in the loop" on this bill for nearly a year. Hear that; it is very important to hear that; we have not even been consulted.

The game here is played by the Democrats. The only gridlock that you really missed in the last 10 months with regard to this measure has been Democrats fighting with Democrats about the importance of PAC money. And, boy, they do not like to do that one in public. But they were even doing it yesterday in the subterranean halls, and they still cannot agree.

In fact, all the bills which have worked their way to this last gasp of Congress are similar in that if they had enjoyed the support of the Democratic majority in both Houses—remember who runs the shop; the Democrats run this shop and the Democrats run the House shop—if they had agreed, it would have been enacted into law by now regardless of what we wanted to do as Republicans. There is a story behind the twists and the turns each bill takes through the legislative process.

And I say to young participants who may be observing these proceedings, it is not quite like it is taught in the civics texts. It is not quite like that little flow chart of "here is how a bill gets started and here is where it goes and here is where it comes out." Not quite. No, no.

It is very similar to a play, a great Greek play or Shakespearean play. If you go backstage during this particular play, you will hear the sounds of Democrats grunting, mud wrestling, fighting with each other, fighting with fellow Democrats. And where are the Republicans? We are not even in the cast. We are not in the cast. We are lucky to even be in the theater. In fact, we are in what we used to call "the nickel seats"; in the old-time days of Vaudeville, they called them the "nickel seats."

We were not even part of this, ladies and gentlemen. This is all theirs and they cannot agree. Now they have dumped the dump truck right out here on the floor.

We have very little time left in Congress. What we are considering today is the possible passage of legislation which would finance Federal elections with taxpayer dollars. At a time when the focus of our Nation is on reducing the Federal deficit and Americans are telling us to cut spending, can the Democrats really be serious about reform if they are advocating a costly new entitlement program for politicians?

Senator MCCONNELL, who has done such a superb job as our floor manager on this issue, calls these Federal subsidies "food stamps for politicians." That is really what they amount to. And the American people truly do not want them.

With the limited time we have in this Congress, why do we not use it wisely? We have a lot to do. The majority leader has given us his list. There are some things there that are critical.

I think one of the most critical is congressional reform; how we do our business; what we do with committees; how many are on committees. It is odd to me that when we get into that there are those in the House who are laying it on us, as to the use of the filibuster; that that somehow is totally un-American.

Well, the filibuster has been used more often in recent times for a very simple reason, and that is to prevent the minority from offering nongermane amendments which have merit but the other side would perfer not to vote on. Got it? If a bill is being considered by the Senate, under our rules you can generally add a nongermane amendment. So people on our side say, "Boy, here is my chance. The majority stiffed me in subcommittee. They stiffed me in committee. I never got to offer this. And here we go, I am going to offer it now."

And the leadership on the other side and the Members on the other side know the amendment will pass, because it has merit and it is right. And they know it. So then they file cloture very swiftly without waiting.

That is what you are seeing. You are not seeing the filibuster misused. You are seeing the filing of cloture misused. Get it. Hear it. Do not miss it. Because if you get cloture, then nongermane amendments cannot be offered. You have to stick with germane amendments.

So listen. Hear it. It is nothing you can cover in a talk show. And I think they are a detriment in some ways on both sides to the work of Congress, where they come on during the day and say, "Well, let's check in and see what the clowns in the circus are doing down in Washington." That is not a service to this country.

There are people here on both sides of the aisle who work like dogs; and there are some that do not, just like talk show people. But we do not solve things here with 30-second sound bites, even 2-minute sound bites. We solve things by camaraderie and comity, which is real. It is real today among our Members, and is a very important part of this place. You do not see that.

Surely it is never reported because things that work are never reported. When Congress works well and does its work—and we have done a lot of legislation this year, it doesn't get reported. You would never know it, because when we do it right, it is back on page 17 in the Metro section. When we do it wrong, it is above the "fold," as we say.

It is the old "toe test" of the newspaper, which is if you go out in the morning and you kick the newspaper and you find your name above the fold, you know you are in trouble.

So that is how it is reported here that we "do nothing." Yet we do a great deal. There are people who work and have dedicated themselves to this institution on both sides of the aisle. I am very proud to see them as they work.

So, why do we not get at some of these other things? Why do we not get at the congressional reform?

People are urging me to deal with immigration and refugee matters. And I, with a bipartisan group, am ready to proceed. I think we may have a little time that we did not think we had before.

Health care is now gone aglimmering, I think. I do not want to be gleeful about that. I worked very hard with Senator CHAFEE, Senator

DANFORTH, Senator NICKLES, Senator LOTT, and others, to try to do something that would be appropriate. We did not get there, and we will deal with it next time. Perhaps there is a framework we can use that the "mainstream group" is coming up with, a framework we can use next year. I do not know that. But certainly we will want to pursue it. There is the Rowland-Bilirakis bill in the House, a bipartisan effort. Let us pursue that, see where we go.

But we do know one thing. The President's proposal in any form is not acceptable to the American people. And the American public do know what employer mandates are, and they know more about employer contributions to health care. There are many things that were brought to the attention of the American people that had not been brought to their attention before.

I had an interesting experience. A chap came up to me on the street and said, "Don't you understand this is about personal responsibility?" He said, "If we just took care of ourselves, moderate lifestyle, drinking, smoking, preventive care, exercise." He said, "In fact, my grandmother started to walk 5 miles a day when she was 65 and now she is 97 and we have no idea where she is."

Now I do not know if that is a true story, but it certainly had an anecdotal semblance.

So why do we not get back to some of those things? Why do we not turn our attention to a bill that has 62 cosponsors which addresses the issue of unfunded mandates by the Federal Government which are imposed on State and local governments, which is sponsored by a fine bipartisan coalition? Senator KEMPTHORNE has been the leader in that effort. He has done a magnificent job, and is one of our finest new Members.

And we have Senator CAROL MOSELEY-BRAUN, who knows what these unfunded mandates do to State and local governments. Why not deal with that? Why not get into that? Well, I do not know.

But I do know this: Unfunded mandates is a critical issue and needs to be addressed.

But back to the original focus of my remarks, and an issue that concerns me greatly: How should PAC contributions be dealt with in a real reform bill? Judging from press reports, the negotiations between the Democrats in the House and the Senate these past 10 months have centered on the matter of political action committees.

Mr. FORD. Would my good friend from Wyoming yield?

Mr. SIMPSON. For a question?

Mr. FORD. For a question. That is all I wanted. I do not want any time.

Mr. SIMPSON. I certainly will.

Mr. FORD. He knows, and I think I know, that both the unfunded mandates and the coverage for Congress the same as others is on the list the majority leader has given to the Republican leader and so it is there to be done.

The question that bothers me, you have the same ability when this comes back from conference to do what you are doing now, and it will be 90 hours that will delay the ability to get to unfunded mandates, and would be 90 hours that would delay us to get to the coverage that many of our constituents want of Congress of the bills we pass. I wonder if there is any colloquy or comity that we might enter into that might let us get to that and not delay the Senate and not have to go around the clock?

Mr. SIMPSON. Madam President, I certainly would not want to have indicated anything that was erroneous. I was pleased to know from my colleague, who is my counterpart as whip, and someone that I enjoy very much, although he and I do not always agree, but I trust him implicitly when he tells me something.

I can only say that I hope we do get to unfunded mandates and congressional reform. I am sure the discussions can go on, and they probably will, as we draw toward the weekend and as we draw toward other things on the agenda.

But, at this particular juncture, we feel that this is the step that we must pursue.

I thank my friend from Kentucky.

Mr. FORD. I thank my friend for answering the question. We cannot even do work in committees.

Mr. SIMPSON. Madam President, as I was saying, the negotiations between the Democrats in the House and Senate these past 10 months have centered on this matter of political action committees. More specifically, the question has been whether to reduce the limits or to eliminate them as the Senate did. This issue, as I say, has tied the House and Senate Democrats in knots.

I should like to offer a refresher on the PAC issue for Members whose recollection of this subject may be a bit hazy, because 15 months have elapsed since the Senate passed its campaign finance bill and 10 months has passed since the House passed its campaign finance bill.

Members may recall that for several years, Republicans have advocated zeroing out PAC contributions for congressional candidates. No political action committee contributions to congressional candidates, period.

The majority in the Senate grudgingly went along in 1990, inserting the Republican PAC ban provision into their bill before the Senate started debating campaign finance that year. The Senate again passed a campaign finance bill in 1991 which zeroed out the PAC contributions. When that bill was conferenced in 1992, PAC's were back.

I mean, this stuff is like a werewolf or Count Dracula; it rises out of its wooden coffin each year in its same form, and then we drive a stake in its heart and back into the hole it goes. We will do that again.

So the real thing that is fascinating here is this—and you do not want to miss this—Democrats have loved to play with this issue, and they loved it during the years of Ronald Reagan and George Bush because they knew that they would just string together a real turkey of a bill and ship it to old George Bush. And guess what? George Bush is not here any more. No, President Bill Clinton is here. No more George Bush veto to have fun with. No more fun and games. No more "let's throw everything in it but the kitchen sink." They used to ship it to old George Bush and knew he would use his veto pen. Now that was a lot of fun. Ship it to George Bush and let him veto it.

And he did veto it. And then we saw the anguish, the crocodile tears running right down their cheeks. Spare us. How could George Bush have done this to America? We were trying to correct abuses in the system, and George Bush had vetoed this noble effort.

Well, we may try a few of those next year on the President.

So after George Bush vetoed the bill amid shrieks and cries that would have made Lewis Carroll giggle, they revisited the issue, again 15 months ago. We zeroed out the PAC's again. So here we go.

Then, in November, the House rejected the Senate's tough-on-PAC's provision and passed a bill that left the PAC contribution at the current $10,000 per election cycle limit.

And as I say, since then, according to press reports, House and Senate Democrats have been at loggerheads over what to do on PAC's. Senate Republicans believe very strongly that the political action committee contribution limit should be eliminated. House Democrats, however, have become quite accustomed to heavy doses of PAC contributions.

It is an addiction. The House Democrats are addicted to PAC money, and they do not care to give that up.

We have no methadone alternative for them, and they know it. They are going to find, I think, on November 8, no matter how much they might have amassed through their PAC moneys, it is not going to be enough. Remember November.

Madam President, Democrats fighting over PAC money was a formula for gridlock. A Washington Post headline last month read "Democrats Fail to Compromise on PAC Limits."

They got that right.

Common Cause, the self-proclaimed definers of what constitutes any reform in the world, was terribly worried that the taxpayer-funded spending limits bill was going to come crashing down because of PAC's. So they stepped into

the breach and loaded themselves into the cannon with a proposal to allow a $2,500 PAC limit. Common Cause proposed to House Democrats that they agree to split the difference with the Senate and lower the PAC contribution limit to $2,500. This would still be 2½ times more than an individual could give, but Common Cause believed that this could get the campaign finance package through the Senate.

Despite the Senate's 86 to 11 vote last year to zero out PAC contributions—hear that; that was the vote, 86 to 11 to zero out PAC contributions—Common Cause thought the Senate would roll over and accede to a $2,500 per election, $5,000 per cycle PAC level.

Common Cause has urged House Democrats to swallow the $2,500 limit because it would in fact not be a bitter pill to swallow; it would be a sugar-coated pill. As Common Cause's own communique to House Democrats, dated June 29 stated:

> Adding a cut in the individual PAC limit to the bill would not have a significant impact on House Members.

How about that?

Further, Common Cause studied the House Democrats' PAC habit, this addictive habit, and found that "only 2 percent of House Democrats' total campaign receipts would have been cut" if the $2,500 limit were adopted. So now Common Cause is urging House Democrats to go with the $2,500 limit, because to do so would, in fact, be the same as doing nothing, I guess. That is the way I read it. It would make the public believe that something was being done to reduce PAC influence when, in fact, obviously, by their own commentaries, it was not.

I guess it really does not matter anyway. Even though we still find the $2,500 limit too high, the House Democrats are too tightly bound to PAC dollars to reduce the PAC contributions by as much as half.

Interesting work. A little more history.

While PAC's are often thought of as a recent phenomenon, in fact, they date back to the 1940's. Labor unions, prohibited by law in 1943 from making direct contributions to candidates in Federal elections, began to set aside separate segregated funds to conduct fundraising and contribution activities on behalf of their organizations. Corporations did not follow labor's lead. Corporations had been prohibited since 1907 from making contributions to Federal election campaigns, and were reluctant to start PAC's.

In the early 1970's, a number of legal, judicial, and administrative actions resulted in PAC proliferation. Since passage of the Federal Election Campaign Act in 1974, the number of PAC's increased from 608 to 4,729 in 1992. Total PAC contributions to Federal election candidates increased from $8.5 million in 1972 to $189 million in 1992.

In 1992, PAC contributions comprised 24 percent of Senate campaign receipts and 38 percent of House campaign receipts. House incumbent Democrats have been particularly reliant on PAC's to fund their campaigns. PAC's accounted for 52 percent of their campaign receipts in the 1992 election cycle, so House Democrats are understandably highly sensitive on this grave issue.

PAC's are touted by their defenders as a means to allow individuals to get together and advance their collective interest in politics. Presumably, that would include supporting challengers, you would think. Yet, in 1992, in races where Members were up for reelection, incumbents received 86 percent of the PAC contributions, amounting to $126 million for incumbents versus $21 million for challengers.

Overall, they laid the bread out and they have laid it on anyone who could do anything for them regardless of party, and regardless of their original philosophy. So they have done this, increasingly funneling contributions to incumbents, with little or no regard for ideology, philosophy, or voting records. Corporate PAC's are among the worst, giving upward of 90 percent of their PAC contributions to incumbents.

So they do not support candidates of like mind. They buy access to the powers that be and epitomize the special-interest influence that has eroded the American people's confidence in government. And that is why Republicans and some thoughtful Democrats have led the fight to zero out PAC contributions.

Democrats, recipients of two-thirds of the PAC money in congressional elections, did not address the issue until 3 days before the Senate debate on campaign finance reform was scheduled to commence in 1990. At that time, a new Democratic reform bill, which included the Republican PAC ban, was announced by the majority leader.

After years of pushing bills designed solely to seize the high ground on the reform issue, totally secure in the knowledge that President George Bush would veto taxpayer funding measures, Democrats are now in the position of formulating a bill they will have to live with after President Clinton signs it into law. That is what this is all about. This turkey is going to get signed, and they are in shock—the turkey being the Democrat-drafted conference report. So they are going to have to live with it after President Clinton signs it into law, and that may explain why, in early 1993, that the PAC ban provision Senate Democrats included in 1990 suddenly disappeared.

Just prior to the May and June 1993 floor debate, Democrats did include somewhat of a PAC contribution ban in their bill. A Republican amendment prior to final passage of the bill strengthened the provision. And after the bill passed the Senate, the Speaker of the House of Representatives announced that the PAC contribution ban was not acceptable, and Senate and House Democrats have been squabbling about it ever since.

Madam President, I urge the Senate to stand firm on the PAC ban issue, or an already bad bill will be made a great deal worse. And, of course, the real issue is that the drums are pounding out in the land, and incumbents are hearing that, and they want to do something, but they do not know what. So we are here to help them to know what.

Madam President, I am now nearly about to head to the Entitlements Commission meeting, which is an egregious exercise, because there are 32 of us who will head over there to do the Nation's business. We have outlined the horror of what is happening. In the year 2029, the Social Security System will be broke. Broke. Got it?

That is not Ronald Reagan speaking; that is not George Bush speaking; that is the Social Security trustees. That is Lloyd Bentsen, a very respected friend. Donna Shalala, Barbara Breach, and civilian trustees have told us that the Social Security System will be flat busted in the year 2029, and they moved the doomsday date up 7 years.

So we will go over and deal with that.

We also want you all to be aware that 32 of us, with one abstention, have agreed that unless we raise revenue—that is called taxes, got it?—that the present stream of revenue in the United States, in the year 2012 will only be sufficient to take care of Medicare, Medicaid, Social Security, and Federal retirement. There will be nothing—nothing—left for education, transportation, or defense. We will go over today, and hear every group in America howl and shriek and scream that we are so pleased we have presented these facts and have agreed to these facts. Then they will prattle and puff their feathers and tell us they want everything "on the table", and they will proceed to tell us they want everything off the table that has to do with their organization.

It is an exercise. And I hope all of you will read of our noble efforts as we do this on your behalf and touch the "third rail of politics—Social Security."

I yield the floor.

(Mr. FEINGOLD assumed the chair.)

Mr. MCCONNELL. Mr. President, Senator KENNEDY has indicated he wanted to use a few moments, which I have no objection to, provided it is simply charged to the 30 hours we are in the process of using here. Consequently, I will yield the floor. But, first, I say to my friend that the Chair has been admonishing us all along that everything we say should be relevant

to campaign finance. So it would not surprise me that in the name of fairness the Chair might admonish the Senator from Massachusetts, unless his observations are about campaign finance. I certainly have no objection to the Senator from Massachusetts using some of the 30 hours.

JERRY TINKER—FIGHTING THE WORLD'S FIGHT

Mr. KENNEDY. Mr. President, it is my sad duty to inform the Senate of the death last Friday of Jerry Tinker, the longtime staff director of the Judiciary Subcommittee on Immigration and Refugee Affairs. All of us who knew Jerry are deeply saddened by his sudden and tragic loss.

For 24 years, Jerry was part of my life, and I valued him greatly as an adviser and member of my staff. But most of all I cherished him as a friend and respected him as the unique and extraordinary humanitarian he was. For the quarter century that we worked together, he was the real voice of the Senate and the conscience of the world on issues relating to immigration and refugees.

He had a masterly understanding of the legislative process and how to move Congresses and administrations alike. He was the architect of the Commission on Immigration Reform in the 1970's that laid the groundwork for the achievements of the past decade, and of the new Commission that is counseling Congress today. Only last Wednesday, we were meeting in my office to go over current issues.

Jerry respected everyone. He had a special facility for reaching across the aisle and out to others, and for dealing with complex volatile issues in ways that calmed passions, minimized polarization, and maximized cooperation.

Democrats often thought I was eating out of AL SIMPSON's hand, and Republicans felt that AL was eating out of mine. But both of us knew that Jerry was the master chef.

It is often said that individuals can make a difference. But Jerry Tinker made a difference on a massive scale that I suspect few have ever equalled. Because of Jerry, millions of citizens from other countries have had the chance to seek a new life and pursue the golden dream and opportunity of America. America is a nation of immigrants.

Because of Jerry, that priceless aspect of our history and heritage, our immigrant heritage, has been renewed and revitalized for our own day and generation. His achievements are found not only on the pages of the statute books, but in the life of the Nation as well.

Through his able work and tireless dedication on behalf of refugees in every corner of the world, Jerry may well have been responsible for saving more lives than any other person of our time, and it is tragic that his own life has been so suddenly cut short.

He found his calling early, as a graduate student in India and in later research in the 1960's on the refugee crisis in Vietnam.

He felt deeply that action had to follow study. And year after year after year, from the day he joined staff, wherever on the planet people were suffering from the ravages of natural or manmade disasters, Jerry was always there to help in spirit—and often in the flesh.

The international relief community was accustomed to Jerry's arrival. As a friend of Jerry's once said, wherever and whenever the four horsemen of the apocalypse—symbolizing war, famine, pestilence, and death—touched down anywhere on Earth, another nobler rider symbolizing peace, food, health, and life was always close behind, and his name was Jerry Tinker.

Together, in the early 1970's in India and a few months later in Bangladesh, we witnessed one of the most appalling tides of human misery in modern times.

We saw tragedy in the devastation of the countryside, in the broken lives of refugee families, in the eyes of maimed children, in the whitened skeletons of mass graves, and in the faces of millions struggling desperately to begin life anew in the aftermath of that brutal civil war and violence and repression.

But on our second visit, we could also see the emerging triumph in the joy of a people relieved that their nightmare of fear and violence was coming to an end, and their gratitude for the help that Jerry demanded America provide. We saw the hope of a people who had courageously won a victory for self-determination, whose new nation was rising from devastation and misery. And Jerry Tinker, as much as any other American, was the one who made that triumph possible.

In his student days in India, Jerry had discovered the music of Ravi Shankar. I still remember the performance we attended one evening in the old music hall in Calcutta. Scheduled for 9, it began in 11:30 and lasted until 2:30 in the morning, and Jerry was on the edge of his seat for the whole performance. By understanding the music, he could understand the people better.

Earlier that day, we had visited the Salt Lake Refugee Camp outside Calcutta, where 300,000 refugees were struggling to survive. Ever afterwards, for both of us, that single day summed up the best and the worst of the human condition.

As a student in India, Jerry had also discovered the verse of Tagore, the great Bengali poet and philosopher. In preparing for our trips, Jerry gave me a book of Tagore's verse. One of the poems, "An Ode to Peace and Freedom," contains these lines:

> Where the mind is without fear and the head is held high;
> Where knowledge is free;
> Where the world has not been broken up into fragments by narrow domestic walls * * *
> Into that heaven of freedom, my Father, let my country awake.

That vision of peace and freedom and our common humanity was Jerry Tinker's vision too. He shared it with us all, and brought us closer to it.

I remember when the first reports came in during 1984 of the massive famine taking place in Ethiopia. Jerry had packed his bags, but he insisted that I should pack mine as well, so that we could do as much as possible to bring the world's attention to the magnitude of the crisis. And so we went there together, stayed in the tents alongside the relief workers, and joined in the relief effort. And Jerry was right, as always—our presence there helped to turn the tide.

A few years later, the Ethiopian Government's relief coordinator wrote a book about the famine. He was critical of most of the dignitaries who came, because they often failed to comprehend the gravity of the crisis or offer any concrete help. He said there were two visits to Ethiopia at the time that had made a significant difference—one was by Mother Theresa and the other was ours. It was Jerry's leadership and commitment which made that difference, and it was also probably the only time that Mother Theresa and I have been compared.

On his many trips, Jerry was known for traveling light. He could leave for a 2-week trip with a single suitcase, and usually it was only partly full. His secret weapon was a Jerry Tinker trademark—an indestructible tan safari suit.

He said he had discovered its miraculous qualities on a trip to India years ago. The suit could stand up to day after day of rugged wear in the Horn of Africa or the remotest areas of Indochina. While his traveling companions were hauling suitcases filled with tropical clothing and mounting piles of laundry, Jerry would simply rinse out his tan safari suit each night, and reappear each morning in a suit which was dry, fresh, and with a permanent press that never let him down.

Jerry liked to joke that NASA had once approached him in search of a new fabric for space suits for shuttle astronauts. The safari suit, like Jerry, was comfortable in the most destitute refugee camps in the world, and equally at home in the highest corridors of power in Washington.

We traveled together occasionally in this country, too. One December, during field hearings on poverty and hunger in America, we went to a farm community in rural Missouri. It was bitter cold, with snow and ice everywhere. Many farmers were facing bankruptcy at the time, and the television program

"Nightline" had asked to interview me in the home of one of the farmers.

But the TV crew had trouble getting their truck and satellite dish to the farm. The truck skidded on the ice and went into a ditch. Jerry, ever resourceful, was equal to the challenge. He mobilized the local farmers to find the nearest tractor to pull the truck out of the ditch. The farmers loved Jerry's light and skillful touch, and they stayed in touch with him for years afterward. They told and retold the tale of how Jerry made the show go on.

Jerry always had time for others. He was never too busy to offer a supportive word or write a caring letter to a friend in need. All of us who worked with him knew him as a man of great insight, wisdom and experience. He would generously share his knowledge, but he was always open to new ideas from others. Countless people over the years were inspired to public service and humanitarian careers by his example, and we will miss him all the more.

Friends also loved him for his colorful descriptions of the legislative process, and for his famous tours of the Capitol Building. He adored his daughters, Caroline and Katy, and he'd often take their classmates on tours. He could bring the Capitol to life for anyone, young or old, and make them feel a part of it and a part of our country's history.

He had a knack for running into Senators in his tours. They all knew Jerry. Senator DOLE would show them the fireplace where the British burned the books of the Library of Congress in the War of 1812. Senator SIMPSON would show them the statue of Esther Morris, the famous pioneer for woman's suffrage from Wyoming, and tell them how Wyoming gave women the right to vote in 1869.

Too often, it seems that the number of humanitarian emergencies in the world outweighs the world's and America's capacity to care. But Jerry Tinker stood against all that. Because he cared so intensely, so skillfully, and so compassionately, many others came to care as well. I suspect that in recent days there was a humanitarian emergency in heaven where they needed Jerry more.

Near the end of "Pilgrim's Progress," there is a passage that tells of the death of Valiant:

Then, he said, I am going to my Father's; and though with great difficulty I am got hither, yet I do not regret me of all the trouble I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battle who now will be my rewarder.

When the day that he must go hence was come, many accompanied him to the riverside, into which as he went he said, 'Death, where is thy sting?" And as he went down deeper, he said, 'Grave, where is thy victory?' So he passed over, and all the trumpets sounded for him on the other side.

We miss you, Jerry, and we always will.

A TRIBUTE TO JERRY TINKER

Mr. SIMPSON. Mr. President, it was a great honor for me, and I think also for Senator KENNEDY, to give the eulogy at the services of Jerry Tinker. He was a splendid man. He had a love of politics and Government. He was fair. He was not partisan.

I cherish the years I have been the beneficiary of his counsel, direction, and good fellowship. My staff counsel, Dick Day, a wonderful friend, a dear friend, and Jerry Tinker, worked together unceasingly doing the work Senator KENNEDY and I would send them to do. Whether they went to the rain forests of Central America or to the refugee camps of Thailand, Ethiopia, and Bangladesh, they would come back and prepare a report that was lucid, intelligent, and readable. I will greatly miss Jerry.

When people say, "The system does not work," let me tell you it works in every way when the Senator from Massachusetts and the Senator from Wyoming can have staff support like Jerry Tinker and Dick Day. They were inseparable and a marvelously effective combination. I learned to completely trust Jerry Tinker. The Senate does work. Jerry is gone from us, but we thank God for having known him.

I ask unanimous consent that a eulogy I delivered for Jerry Tinker be included at this point in the RECORD.

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

It is my great personal honor and privilege to be present here this day honoring the life of this very special man. We gathered here all know of his successes, his trials, his honors, his accolades, his struggle—his fine reputation so well earned and honors received in a lifetime of service to others. The chronicles will properly reflect the extraordinary record of achievement of this man—that might be somewhat repetitive for those of us who are gathered here to honor him today. What the chronicles may not always reflect are some warm and intimate memories that I have of this departed friend.

In the Christian experience, this is the day when we gather to celebrate the life of Jerry Tinker. We really must not mourn this unselfish life lived but that is very hard not to do so. Christianity teaches us to celebrate his life—his marvelous wit, his friendliness, his love of fellow man and woman, his love of politics and government, his intellect, his stout heart and his great courage. These attributes were part of the essence of his stewardship in his life here on Earth. I cherish the years I have been a beneficiary of that man's wise counsel and direction and good fellowship.

I first met Jerry Tinker when I came to the United States Senate in 1979. I had no interest in immigration or refugee matters and yet was appointed to the Select Commission on Immigration and Refugee Policy, along with my senior contemporary, Senator Ted Kennedy. Then, in the election of 1980, Republicans controlled the Senate—a shocking upheaval indeed! Suddenly, I was the chairman of the Subcommittee on Immigration and Refugee Policy. Ted and Jerry Tinker had been involved in those burning issues for over 17 years.

I was assigned this task—dealing with these issues that generate awesome amounts of emotion, fear, guilt and racism. I then drew upon friendship—friendship of a man I had known and admired for many years and urged him to come to Washington, DC, to help me in my duties. That man was Dick Day. And that man and Jerry Tinker were an inseparable and marvelously effective combination. He—and I—learned to completely trust Jerry Tinker. I have probably worked more closely with Jerry than with any other staff person outside of my own fine staff. The Senate does work. Government does work. And it works because persons as divergent and philosophically different as Ted Kennedy of Massachusetts and Al Simpson of Wyoming have selected people to work on our behalf—people of good faith, steady intellect, unselfish nature, compassion and a striving to "make a difference."

Due in huge part to Jerry Tinker, the majority and minority staffs of the Immigration and Refugee Subcommittee worked together over the years—more closely and on a non-partisan basis—than perhaps any other staff in the United States Senate.

As others have said— Jerry was the "conscience" of the subcommittee and he always had his own personal priorities and first among them was providing humanitarian assistance to refugee and displaced persons around this globe. At the same time, he had a very sensible and balanced view of immigration and refugee policy—he supported control as well as generosity in our Nation's policies and best interests.

His historical grasp and knowledge of immigration and refugee policy and politics will be deeply missed by the United States Senate, by his mentor, Sentor Kennedy, by me and by this country.

On many occasions in the course of our Senate life, I would visit with Jerry and say, "What's up? how are things going—how are you and Dick getting along in working with this or that intractable issue?" And there were always many. He was always very open and direct with me and with Dick. No tricks. Nothing up the sleeve. Lay the cards on the table.

There were many occasions when Ted and I would authorize our two fine troubleshooters, Jerry Tinker and Dick Day to go off to some far flung part of the planet and come back and give us a report. They were professionals. Their reports were concise, factual, clear, unambiguous and because of our relationship with these two fine men—Ted and I—probably even allowed them to sign our name a time or two. Yes shocking, I know! They eased our burden, smoothed our work.

This man was the "ultimate staffer." When Jerry went into the rain forests of Central America or the refugee camps of Thailand traveled to the deserts of Ethiopia or hiked upon the mountains of Pakistan, he was never on the junket—he was working. Proudly working. Always working. Sometimes, obviously in a manner detrimental to his own personal life and family. He was the "eyes and ears" of the United States Senate in the midst of the misery and heartbreak and suffering known so well to those of you in the voluntary agency community—those who toil daily in those fields of human endeavor. The people he cared so much about—the displaced and the dispossessed and those in need

of kindly help and refuge—those in the world will miss him greatly too. It is not trite to say that he gave his life for his country.

None of us were ready for this. We mourn his loss in our own lives—what he was to each of us. So personal, so special. It would have been much easier to celebrate his life with him here! But he is gone—irrevocably gone.

Jerry's dear family can be very proud of their father, son and brother. We, in the Senate most assuredly are.

We have all loosed our grip upon him, but will retain his memory always in our hearts. God has come now to take him back. We all knew one unknown day he would return to his God. Now, we give him up. We commend him to Your loving hands. Thank You for him. God rest his soul.

Mr. McCONNELL. Mr. President, I see that the distinguished Senator from Iowa is here to begin his hour. Therefore, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, before I begin my primary discussion of this campaign finance bill, I want to first discuss an important related matter.

And this is a matter that I would ask my colleagues on the Senate Commerce Committee and Senate Finance Committee—particularly my Republican colleagues—to pay close attention.

By now it is well known that the heart of this campaign reform bill is aimed at funneling the hard-earned taxpayers money into the reelection campaigns of politicians.

We have seen polling that clearly underscores American taxpayers adamantly oppose being forced to bankroll political campaigns.

Polling which reveals 70 percent of Americans are ready to vote against any politicians that supports taxpayer funding of campaigns.

Regrettably, there are those in Congress who could care less what taxpayers want.

But there is already another travesty in the law that is allowing millions of dollars of taxpayers dollars to be funneled—or should I say laundered—into congressional campaigns right now without a new bill.

So my question is this. What in this bill prohibits maritime subsides to U.S. seafarer union members and U.S.-flag companies from being recirculated into the campaign coffers of incumbent politicians?

Mr. President, today, the Senate Commerce Committee is scheduled to mark up a bill, H.R. 4003, which will increase taxes on Americans by over $1 billion.

This $1.3 billion tax increase will be used primarily to pay the high-priced salaries and benefits of U.S. seafaring union members.

I warned my colleagues last year, that a final draft report from the Maritime Administration and MIT on maritime manning exposes that some seafarer captains are costing $44,000 per month in salary, benefits, and overtime.

Even a ship's cook was costing about $8,500 per month.

American taxpayers pay for about 80 percent of these seafarer billet costs.

And it is because of these incredibly large tax subsidies that seafarers are able to spend so much money on political action committee contributions. Seafarer PAC's have spent millions upon millions of dollars on political campaigns.

So, the Senate Commerce Committee, at the request and urging of President Clinton, is about to approve an additional $1.3 billion in tax increases—not only to maintain these lucrative salary and benefits for seafarers—but also to keep the taxpayer pipeline to campaigns alive and well.

Mr. President, do I have to remind my colleagues that President Clinton campaigned against special interests—and promised special interests would have no sway in his policies.

And remember Vice President GORE's National Performance Review? The transportation task force recommended eliminating all maritime subsidies.

The National Taxpayers Union, wrote the taxpayers friends, to the Vice President urging that these maritime subsidies be eliminated. Instead, the maritime special interests were able to kill these proposals. If President Clinton is against special interest, then why has he sent to Congress a bill to perpetuate lucrative subsidies for one of the most notorious special interests—the U.S.-flag companies and seafarers?

President Clinton campaigned on a promise of tax cuts. Yet, with the help of a Democrat controlled Congress, he pushed through the largest tax increase in history.

And today, he is expecting his Democrat colleagues in the Senate to push through another $1 billion tax increase to pay for special interests and to keep the seafarer campaign contribution pipeline going.

Taxpayers beware. It has become abundantly clear that when President Clinton and his Democrat controlled Congress promise tax cuts—what they are really talking about are the kind of tax cuts that bleed the taxpayer dry.

I urge my Republican colleagues not to let themselves fall into this trap by supporting this so-called maritime reform bill.

It is nothing more than a huge tax increase for special interests and their lucrative campaign war machine.

Has it ever occurred to anyone that no department or agency wants to pay for these subsidies?

U.S.-flag companies and seafarers like to call themselves the Fourth Arm of National Defense, yet the Defense Department doesn't want to pay for these subsidies, and in fact, have even gone on record 2 years ago stating that the question of Sealand and APL reflagging was not a defense problem.

If my colleagues really want maritime reform, they would be demanding that the Clinton administration publicly release this manning study which has been kept under wraps for over a year by the Maritime Administration.

This report shows that subsidies could be cut in half. It exposes incredibly lucrative salary and benefits thanks to the American taxpayer. It exposes featherbedding on U.S.-flag vessels. And it exposes the fact that seafarers, after working only a few months and collect more money and benefits than most Americans ever dream of—these seafarers even come home from the sea and collect unemployment benefits.

So, Mr. President, if our colleagues are against special interests, tax increases, and taxpayer funding of campaigns, they should join me in doing everything possible to stop H.R. 4003, this so-called maritime reform bill.

Now more pointedly to the bill before us, Mr. President, once again we are confronting the issue of so-called campaign finance reform. In a time when the American people are calling for reform in many areas, this is one area that needs dramatic change.

Unfortunately, the bill that passed the Senate last year is not the change we need. I continue to oppose its passage and believe it is the wrong medicine for the disease we need to treat. There is an unusual mix of people who agree with my appraisal. I have heard that politics makes for strange bedfellows; well, as much as ever before I realize the truth of that statement.

CONSTITUTIONALITY

During consideration of this bill last year, I noted with interest the testimony before the Senate Rules Committee given by Robert Peck, legislative counsel for the American Civil Liberties Union. Though I often do not agree with the ACLU, this time I believe they are right on target.

I quote from Mr. Peck's testimony:

> The ACLU opposes the President's campaign finance proposal because we conclude that it violates the first amendment's guarantee of freedom of speech in numerous ways.

He goes on to say:

> This proposal goes far beyond the provision of public financing and imposes a variety of constitutionally unjustifiable burdens on the free speech rights of candidates and noncandidates alike. It is for those reasons we oppose the proposal.

LIMITING SPENDING

While the proponents of this bill argue that the spending limits are strictly voluntary, there is nothing voluntary about them. When a candidate can be punished for not limiting his speech, this is an unacceptable first

amendment violation of the worst kind.

Campaign speech is the essence of the speech for protection under the first amendment. It is political speech of the highest order. It should, therefore, receive the highest protection.

Some wonder how limiting spending is a form of limiting speech. In the 1976 decision, Buckley versus Valeo, the Supreme Court recognized that spending limits violate the first amendment by reducing the quantity of expression, including the number of issues, the depth of discussion, and the size of the audience that might be reached.

Expenditure limitations, 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."

According to Ralph Winter of the American Enterprise Institute, "a limit on what a candidate may spend is a limit on his political speech as well as on the political speech of those who can no longer effectively contribute money to his campaign."

I am still quoting, Mr. President.

In all of the debate surrounding the first amendment, one point is agreed upon by everyone. No matter what else the rights of free speech and association do, they protect explicit political activity. But limitations on campaign spending and contributing expressly set a maximum on the political activity in which persons may engage.

PUBLIC FINANCE: INCENTIVE TO LIMIT SPENDING

The Supreme Court further said in Buckley that the Government could offer candidates public money as an incentive to limit spending—provided that the system was completely voluntary. The Government could not force compliance.

It could not punish noncompliance, but it could reward voluntary compliance with a set campaign spending limit. That is the basis of the current Presidential system of spending limits and taxpayer financing.

As an example of the Presidential system, Bill Clinton and George Bush each received $55 million from the Federal Government during their 1992 campaigns.

Had Bush declined the grant and chosen to spend over the limit, Clinton would not have received any additional funds or benefits from the Government, nor would Bush have been penalized.

Unfortunately, the campaign finance bill before us which would control congressional races is not fashioned in the same manner as the Presidential system. While the measures in this bill are voluntary in form, they are mandatory and coercive in substance. Under the Senate bill, candidates who choose not to participate in the taxpayer financing scheme are harmed. It doesn't matter if their nonparticipation is on purely philosophical grounds, or because they prefer not to be bound by congressionally set spending limits.

Not only would they be deprived of various benefits provided in the bill to compliant candidates, they also would be subjected to a series of punitive provisions. To be punished for exercising your right to free political expression is patently unconstitutional.

Buckley made clear that Congress cannot cap spending directly; it must induce compliance through benefits. In the case of this bill, a compliant candidate is eligible for a number of financial benefits: reduced mailing rates, half-price broadcast advertising rates, independent expenditure and excess expenditure funds.

The independent expenditures amounts are particularly disturbing to me in terms of free speech. If a noncompliant candidate has support from a private, independent citizen exercising her free speech rights, the candidate's opponent will receive additional Government funds to answer what the private citizen says. This is a violation of the free speech rights of that private individual.

Why should the candidate who agrees to comply with spending limits get extra taxpayer funds just because his opponent has private support from a citizen? How is this consistent with the first amendment? How is this not simply a punishment for a noncompliant candidate? How can this be a voluntary system?

EFFECTS: LIMITED SPENDING AND CHALLENGERS

Buckley also recognized that limiting campaign expenditures could actually handicap a candidate who lacked substantial name recognition or exposure before the campaign. Limiting expenditures would only keep this lesser known candidate from competing with a better-known incumbent because of the expenses of running a modern campaign. Allowing this challenger to spend the same as her incumbent opponent is not providing a level playing field. It is the worst form of incumbency protection that could be guaranteed.

According to prof. Larry Sabato of the University of Virginia,

The frequent calls for spending ceilings in congressional races is a bad reform idea that sounds good. On the surface it is undeniably an attractive proposal. If we are concerned about the "obscene" levels of expenditure in House and Senate races, say the reformers, then let us set a maximum amount that can be spent to win each post.

But who would determine the ceilings? The Congress would, of course—a body composed of 535 incumbents who are fervently convinced of the worthiness of their own reelections. It is in their electoral interests to set the ceilings as low as possible. After all, incumbents already have high name recognition, purchased with lavish spending during previous campaigns, and also achieved over the years with hundreds of thousands of dollars of taxpayers' money—via congressional staffs, mobile offices, constituency services, et cetera. The average challenger, then begins his or her campaign perhaps millions of dollars behind the incumbent in overall real spending, and large challenger expenditures are necessary to compensate and compete. The fact is, therefore, expenditure ceilings, in most circumstances, will favor incumbents and make it even more difficult for challengers to defeat entrenched legislators.

Prof. Michael Malbin of the University of Maryland agrees with Professor Sabato's analysis.

He stated that:

Equalizing campaign funds would do nothing to help the vast majority of seriously underfunded challengers, but limits would prevent the best challengers from making their case against incumbents who start off with more than a $1 million advantage in office account funds.

Another scholar has addressed this issue, Mr. President. Ralph Winter, of the American Enterprise Institute, commented that:

Since the other inequalities are most frequently the result of incumbency, a limitation on spending will in the long run work to the disadvantage of challengers and skew the political process severely. A study in the field of advertising supports this conclusion. It found that advertising is most effective in introducing new brands and new products. Heavy advertising is thus closely associated with industries in which there is a high turnover of brands.

This study has important implications for those contemplating limitations on political spending in the media and for those concerned with the problem of the electoral advantage of incumbents.

Winter goes on to state that—

* * * Even if incumbents do not realize the potential benefit to themselves and even if they are men of good will seeking only to further the public interest, the fact is that the first amendment forbids such regulation and for a good reason. We cannot always count on having men of good will and honest intent in office.

Systematic regulation of political campaigns by Congress must inevitably lead to those in power regulating in favor of themselves. The reason the first amendment takes matters of political speech and political activity out of the legislative process is precisely because we cannot rely on those in power to exercise that power on behalf of their political opponents.

I think the court in Buckley, Professors Sabato and Malbin, and Mr. Winter all hit the nail on the head, Mr. President. Congressional regulation of spending and speech inevitably will lead to greater incumbent protection. Based on their comments, it is easy to see the reason that our Democratic colleagues want this bill. They are currently in the majority in Congress and they want to do everything they can to keep it that way.

Buckley allowed public financing of campaigns because it would facilitate free speech, not limit it. The court made clear that if you are going to limit spending, thus limiting speech, you had to provide public financing.

NEW ENTITLEMENT FOR POLITICIANS IN TIME OF FISCAL CONSTRAINTS

While I understand what the court said, in this time of fiscal constraints, I cannot justify a proposal to provide a new entitlement for politicians. With

the overwhelming debt of $4 trillion that faces our Nation, I think candidates should have to pay their own freight.

We are in Congress to be public servants. We should not be the recipient of a large, new entitlement benefit.

While the Senate eliminated the original taxpayer funding in the Senate-passed version last year, we substituted the Exon-Durenberger amendment. With all due respect to my colleagues, each of whom I respect greatly and have worked with on various issues, I think this result is just as bad. Under the Exon-Durenberger amendment, if a candidate spends too much under the requirements set by the bill, he is punished by being taxed at the corporate level for any spending over and above his expenditure limit. Now if that is not punishing free speech and thus a constitutional violation, I do not know what is. Unfortunately, it was because of this so-called compromise funding proposal that the bill had the votes to pass the Senate.

Any of these forms of financing are unacceptable. Our political lifeline should come from our constituents, who will volunteer to see that we are elected to represent their views. That is how representative government works best. Funding should not be forced from taxpayers, who are already overburdened with government demands.

COSTS OF NEW CAMPAIGN FINANCE SYSTEM

One of the biggest problems with this bill is that no one really knows what it will cost.

The Republican Policy Committee estimates the cost of this bill each 2-year election cycle to be between $207 and $296 million, depending on the specific variables in the final bill. Costs would be significantly higher because nonparticipating candidates would trigger the excess expenditure amounts to their opponents. An additional $50 million is expected to be incurred by broadcasters due to the 50 percent broadcast discount.

Democrats have estimated that it would cost $90 million every election cycle just to provide matching funds to House candidates. That doesn't count broadcast discount costs or independent expenditure expenses. Who knows how much that will add?

The CBO estimates the cost to be $189 million in 1996 if both the House and Senate bills provide matching funds, increasing to $203 million in 1998. CBO's estimates are conservative because they assume that 75 percent of Senate candidates and 60 percent of House candidates would participate. If they did not participate in these numbers, the punitive measures in the bills would kick in and raise costs in ways we cannot estimate.

As should be obvious from these diverse numbers, we have no way of accurately estimating the cost of this new system of financing campaigns. There are so many factors to consider. How many incumbents will comply? How many challengers will enter the system? In 1992 alone, there were 1,200 more congressional candidates than in 1990. Who can estimate how many more challengers will enter with the lure of Federal financing for anyone who reaches a minimal fundraising threshold? What about independent or third parties candidates? There is simply no way to accurately estimate the true cost of this proposed system.

Mr. President, as a Congress, we already cannot meet all of the diverse needs presented to us by our constituents. We still have not fully funded the WIC Program or special education. Families and children have needs which should come before those of politicians. In light of the ongoing deficit problems of our Nation, I cannot believe we are discussing giving this money in campaign funds to politicians.

The thing that makes this most contradictory to me is that we have recently appointed an entitlement commission to evaluate, analyze, and advise Congress on what we should do to address the ongoing issue of entitlements in our Nation. Yet, in spite of this commission, we are adding a whole new entitlement, for ourselves. The absurdity of this cannot be overstated.

PAC CONTRIBUTIONS

I am pleased that the Pressler amendment to eliminate PAC funding passed the Senate by an overwhelming vote of 86 to 11. I have consistently supported legislation that would eliminate PAC contributions completely. Not the $10,000 per election cycle allowed under current law; not the $5,000 encouraged as a compromise position with the House. Zero. Nothing.

Like the rest of my colleagues, raising funds for my campaign is not the most rewarding part of my job as a U.S. Senator. However, I have maintained two rules about all campaign contributions: They must be legal and ethical and they must come with no strings attached.

While I have consistently voted to eliminate PAC's, I have accepted PAC money in the past, since it has been legal. However, anyone who has followed my work in Congress knows what every PAC knows about CHUCK GRASSLEY: My vote is not for sale.

For example, the defense industry has offered me PAC support knowing my opposition to the bloated defense budget and my continuous investigation of wasteful government spending.

As I mentioned earlier, our political lifeline should come from our constituents, who will volunteer to see that we are elected to represent their views. That is how representative Government works best.

I am a strong believer in grassroots support and Iowans seem to agree. In fact, during my last senatorial campaign, more than 100 supporters joined the Grassley team every day with an average contribution of $40. This grassroots groundswell was comprised of over 85-percent Iowans.

They were the lifeline, energy, drive, and people-power so crucial for my ultimate victory with 72 percent of the vote. I would not be in the Senate today if it were not for such a broad spectrum of loyal supporters.

Mr. GRASSLEY. Mr. President, I should inquire, did you want me to stop for a moment?

The PRESIDING OFFICER. The Senator would withhold. Pursuant to the order of February 29, 1960, the Senate having been in continuous session, the Senate will suspend for a prayer from the Senate Chaplain.

PRAYER

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

Let us pray:

Commit thy works unto the Lord, and thy thoughts shall be established.—Proverbs 16:3.

Omnipotent, eternal God, this is a place of power. Where there is power, there is pressure. Where there is pressure, there is friction. Where there is friction, there is heat. Under such pressure the Senators serve, added to which is personal tension between conscience and demands of public and private interests and political destiny. And always there is the tyranny of the urgent.

Father in Heaven, in the midst of the stress, grant the Senators Thy peace. Make them wise as they face choices that are rarely either/or, all right or all wrong, all good or all bad. Give them wisdom and sensitivity and the courage to act as conscience dictates, and peace in their hearts once the decisive moment is over.

In His name who is Truth Incarnate. Amen.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, parliamentary inquiry. The fact that we just had a prayer does not start us in a new legislative day, does it? I assume it is the same legislative day we have been in with this discussion.

The PRESIDING OFFICER. The Senator from Iowa is correct.

Mr. GRASSLEY. Also, Mr. President, did the manager of the bill want to speak? If he does, I will be glad to yield.

Mr. MCCONNELL. No. I just say to my friend that I think he was approaching the end of his hour. I will commend him when he finishes.

Mr. GRASSLEY. Do the rules provide that I must stop now? If not, I want to continue to speak.

Mr. MCCONNELL. Only if the Senator's hour has been used.

The PRESIDING OFFICER. The Senator from Iowa has 8 minutes remaining.

Mr. GRASSLEY. I believe strongly in representative government. I work hard to keep in touch with Iowans by returning to Iowa virtually every recess and weekend. Every year I make certain that I hold meetings with constituents from each of Iowa's 99 counties at least once. I also rely heavily on the letters and phone calls I receive to know the concerns and interests of my constituents on Federal issues. This kind of focus and constant communication is what helps develop such broad, grassroots campaign support. This is the way it should be.

Having consistently voted for the complete elimination of PAC contributions, I am pleased with the Pressler amendment in the bill. The elimination of PAC's is one of the measures of true campaign finance reform.

RECENT PROCESS AND WHAT IT SAYS

I think it is unfortunate and telling that our House Democratic colleagues can't agree on this most basic proposition to eliminate PAC's. At a time when we have passed gift ban and lobbying reform legislation, our Democratic House colleagues continue to cling to the most questionable form of gift politicians receive—PAC money. In fact, House Democrats have not even agreed to a proposed reduction in their PAC money. The inconsistency of this would be laughable if it were not so pathetic.

At a time when the Senate has eliminated a Members' ability to receive even a $20 gift from a constituent, many House Democrats are clinging to the right to receive a $10,000 contribution from some labor or corporate PAC.

PAC's personify special interest influence in the minds of Americans. PAC's are defended by their proponents as a way for individuals to get together and advance their shared interests in government. Presumably, those interests would include support of challengers; but, the facts do not bear that out. In the 1992 congressional races where Members were up for reelection, incumbents received over 86 percent of all PAC contributions: $126 million for incumbents and only $21 million for challengers.

In 1992, PAC's accounted for 52 percent of incumbent Democrats' campaign funds. No wonder the House Democrats will not agree to elimination of PAC funds. Clearly, PAC's have become a powerful incumbent protection mechanism in congressional elections.

Since the 1970's, PAC's increasingly have channeled contributions to incumbents with little or no regard for ideology, philosophy, or voting records. Corporate and trade association PAC's are among the worst in this regard, with almost 90 percent of their PAC contributions going to incumbents.

I think that the process we have been through in recent months reflects on the reality of what is happening with this bill. After all of the interparty squabbling among Democrats over PAC's, majority party leaders believe they are nearing an agreement.

So now, in the final days of a congressional session when many Members are tired and distracted by their upcoming elections, the democratic leadership wants to appoint conferees for a bill that passed the Senate 15 months ago and the House 10 months ago. The idea that we could possibly have a fair bipartisan agreement to come out of this attempted conference is laughable at best.

After seeing what the Democrats did on the crime bill, we are foolish to think that campaign finance reform would be different.

With the destruction of health care reform as the key issue for Democrats in the upcoming election, the President and party leaders have now decided that they have three priorities: GATT, campaign finance reform, and lobbying reform.

Where have they been all this time since campaign finance reform and lobbying reform passed? Fifteen months since campaign finance reform passed the Senate; 10 months since it passed the House. On lobbying reform, it has been 16 months since the bill passed the Senate and 6 months since it passed the House. Why the rush to action now at the end of a congressional session?

These circumstances simply reinforce the perception that partisan maneuvering is sought much more than genuine reform.

There are several other provisions besides the elimination of PAC's, reflecting genuine campaign finance reform, which I would like to see enacted into law. S. 7, the Comprehensive Campaign Finance Reform Act of 1993, has incorporated many of these provisions. As a cosponsor of the bill, I would support its approach to campaign finance reform.

It takes an aggressive approach to the elimination of PAC's and soft money.

SOFT MONEY

Mr. President, there has been a lot of talk about soft money. Proponents of the Senate and House bills loudly proclaim that their bill would shutdown soft money. Unfortunately, that is not an accurate claim. The fact is, the House and Senate bills very selectively regulate soft money.

Maybe it would be helpful to first explain what soft money is so that we all understand the terms. Soft money is different from other sources of funding primarily in terms of where it comes from and the degree of government regulation. Unlike soft money, hard money is raised and spent directly by a candidate's committee and is, therefore, covered in a campaign's Federal Election Commission reports. Hard money is subject to Federal regulation and limits, and it is publicly disclosed.

Soft money is raised for and spent on activities conducted outside of Federal election laws for the purpose of influencing elections. Soft money is not cash dollars given directly to a specific campaign. Soft money is spent on behalf of a specific campaign, group of candidates, or a political party.

Soft money is undisclosed and unlimited under Federal election law. It is not that campaign activities purchased with soft money are inherantly evil. The soft money problem is in the lack of disclosure and limits. One of the key issues to any reform is what is often called "sunlight." Just get it out where people can really look at it.

Proponents of these bills would have people believe that soft money is an issue only for political parties. That simply is not true. The political parties are not the only players in the soft money game. Labor unions and other groups are big players in the game.

Essentially, there are two kinds of soft money: Party—Republican and Democratic—and nonparty—labor unions and other groups. Both of these promote what most Republicans and nonpartisan scholars consider a good thing: citizen participation in the electoral process.

PARTY SOFT MONEY

The fundamental difference is that the political parties, on the whole, do not have a legislative agenda. I believe the DNC is like the RNC in that the only criteria for support is that a candidate be a viable candidate of that party.

The DNC supports Democrats of all philosophical perspectives. Likewise, the Republican National Committee supports candidates of all philosophical persuasians, so long as they are Republican.

OTHER SOFT MONEY

This is not true when it comes to other sources of soft money. Let us take labor unions, for example. Just in the last year we have had two major examples where the unions have linked votes on pending legislation with financial support in upcoming elections.

On the North American Free-Trade Agreement and on the striker replacement bill, various unions stated flatly that there would be a quid pro quo. If a Member voted against the union position on either of those two legislative initiatives, union support would be withheld. This is not an inconsequential threat for candidates accustomed to strong labor backing. Labor unions are very generous PAC-givers to their allies, and their use of "soft money" is unequaled.

The labor unions' soft money power derives largely from what the National Right to Work Committee estimates is $5 billion annually in compulsory

union dues. FEC reports indicate that for every $1 spent by labor PAC's, unions spend 50 cents to subsidize PAC overhead.

REPUBLICAN APPROACH TO SOFT MONEY

Mr. President, Republicans have led the fight to close these special interest soft money loopholes by offering amendments to codify the Supreme Court's 1988 Beck decision and require disclosure and limits on soft money.

Members may recall that in the Beck decision, the court ruled that Harry Beck, a union member, could not be forced to pay for the extensive political operations of the Communication Workers of America. The court held that Mr. Beck had a right to a refund for the portion of his dues being used for political purposes. When Republicans have sought to codify that decision for the benefit of all union members, the majority party has refused to allow it.

Senator JEFFORDS addressed this issue last year during the debate over the campaign finance bill.

He successfully added amendments to provide some disclosure of nonparty soft money, and enable candidates additional latitude to respond to such expenditures under a spending limit system. Not surprisingly, the Jeffords amendment caused great discomfort among providers and recipients of such soft money. Fortunately, the majority wanted a bill to pass the Senate so they accepted the amendment on a voice vote. Nevertheless, the Jeffords amendments certainly would face a hostile environment in conference, or maybe a deal has already been cut in the Democratic Senate-House negotiations that have been occurring all year.

Concerning party money, both the Republican and Democratic National Committees raise money to support their Federal, State, and local candidates. Money raised to support Federal candidates is "hard" money—regulated by and reported to the FEC. Money raised ostensibly to support State and local candidates, but which indirectly benefits Federal candidates as well, is known as "soft" money—it may or may not be regulated by State law, but it is not covered by Federal law.

Each of the 50 States has its own set of laws governing the elections of State and local officials. Because Federal, State, and local candidates are on the same ballot, generic get-out-the-vote activities targeting one of these candidates benefits all of them. Again, the issue is not that the activities are inherently bad, but that accountability is crucial to ensure that the voters know that is really going on.

Republicans have benefited somewhat more from party soft money than have Democrats, because the Republican Party usually is more successful at raising money. In fact, the Republican Party always has been more successful at raising funds in small amounts—the average is around $30—from a lot of private citizens. These citizens contribute to the Republican Party because they want to participate in the political process as a Republican. On the other hand, Republicans have not fared well regarding labor soft money. In fact, Republicans receive almost no help from any labor unions.

Democrats since the election of President Clinton, have augmented their labor soft money windfall with a new enthusiasm.

President Clinton has been very successful at raising millions in so-called "soft money" to support his parties' campaign efforts. So, Democrats benefit from party soft money and nonparty soft money, principally from labor unions. It is not surprising then, that Democratic proposals to restrict soft money have focused entirely on party soft money while leaving pro-Democrat labor soft money untouched. The DNC traditionally is inferior to the RNC in terms of party soft money. Democrats reasonably conclude it still makes sense to shut down party soft money, knowing their labor soft money advantage is retained.

In contrast, the Republican Party soft money proposal set forth these past few years focuses on accurate accounting and disclosure. It would require the parties to maintain separate Federal and State accounts if they are participating in both types of elections. It would require complete disclosure. It would also require party committees to report all of their accounts—Federal, State, and building funds—to the FEC.

David Broder of the Washington Post has written at length on the need for strong and active political parties, stating in 1991 a sentiment that still applies today:

> But on neither side of the Capitol are the Democrats prepared to do the one thing that might really help challengers—ease the restrictions on fund-raising and spending by the political parties, the only institutions in America that have an intrinsic interest in electing nonincumbents to office.

Broder goes on to say:

> Indeed, the Senate bill—and likely the House version as well—threatens new restrictions on State parties, limiting the contributions they can accept for coordinated registration and get-out-the-vote campaigns. These efforts are at the heart of electoral democracy, but Congress is threatening to clamp down on them. To call this an improvement takes a greater leap of faith than I can muster.

Thus, the Republican approach to soft money focuses on that soft money that is linked to specific special interests—not to the parties, which, according to Broder, are the heart of electoral democracy.

The Republican alternative to campaign finance reform, S. 7, has other specific proposals which are needed. It requires candidates to declare upon filing if they intend to contribute personal funds over $250,000. And, it would prohibit them from recovering those funds from money raised after the election.

S. 7 provides challengers with seed money by allowing political parties to match early, instate contributions up to a total of $100,000. Finally, it would require all independently financed political communications to identity who provided financing.

These are the kinds of issues I would like to see addressed in genuine campaign finance reform. I think it is unfortunate that we can't get real reform in a time when it is so desperately needed. I think we should address this issue when we have a new Congress, which is more sensitive to the concerns I have raised.

Mr. MCCONNELL. Mr. President, I thank my distinguished colleague from Iowa for his excellent presentation. He has laid out the issue very skillfully.

Also, I will report that Senator MURKOWSKI is here for his hour, bright-eyed, and obviously one of those who got a good night's sleep. I will be happy to yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, last night, I had the occasion of sitting in the chair for 2 hours, and I listened to a number of speeches. I am going to take a few minutes now to actually speak myself, even though I know my colleagues on the other side want to chew up as much time as they can and are waiting in line seriatim to do that.

I would like to comment for a moment on where we really are here. I listened to these speeches and I heard my colleagues come to the floor and give sham reasons for why they are trying to stop this bill. One reason I heard time and time again was that the bill deserves to be killed because the conference committee has not been appointed for 15 months. I think it is vital for Americans to understand what is really happening here.

We are constantly criticized in the U.S. Senate and in Congress for not getting things done. In broad and vague terms, the press consistently writes about, talks about, and spreads the word that the U.S. Congress lacks the ability to do its work. But when there is a clear and evident example of why we do not get our work done, the press seems to be absent and does not want to point the finger where it ought to be pointed.

This bill that is being filibustered here now has already been passed by this body. We passed this legislation, America. Sixty U.S. Senators voted for this legislation, and 62 U.S. Senators already voted to end the filibuster previously. And yet we are back here again, America, because our friends on the other side of the aisle are chewing

up time, waiting for the countdown until the U.S. Congress goes home, so that this bill will die.

This is gridlock. This is gridlock in action. It is gridlock for every American to see. The same people who come to the floor and feign concern about the deficit are the people who forced extra police to stay here all last night, forced clerks and recorders and technicians and Senators to stay up for hours just to eat time on something that the U.S. Senate has already voted on. Sixty U.S. Senators have already voted on this, and all that the Democrats are trying to do now is get a passed bill to conference, which is just the next step in the legislative process, so that Democrats, Republicans, House and Senate, can sit at a table and do what the American people sent us here to do.

This is a disgrace. This is what makes the American people mad. This is a minority trying to dictate over the majority. Oh, yes, they are exercising their rights under the rules. Everybody can always find a rule that somehow makes the law look like an ass. Anybody who is familiar with law from school or even from TV knows that sometimes the law can be used for asinine purposes. But what is happening here right now in the U.S. Senate is the worst of what is happening in American politics today, and it is what every single American hates.

Our friends on the other side of the aisle will say, oh, we are just saving taxpayer dollars, we are preventing "foodstamps for politicians"—I have heard all of these erroneous arguments come out. I am amazed by the capacity of Members of this institution to use Orwellian doublespeak to their advantage.

They come out here, and they show us black and call it white, and folks out in the country say, "Oh, it is white," even though it is black. Then they will vote on it and make it white, and once it is white, if it suits their purposes, they will call it black once more.

We saw that on the crime bill. That is the game being played in Washington, DC, today. A majority of this House, this institution, voted for the crime bill. Many Republicans voted for the crime bill with more money in it than the bill that came back, yet they called the bill that came back "pork."

Doublespeak. It is all doublespeak.

Last night I heard people purporting to be constitutional lawyers, suggesting that on this bill we have a responsibility to make a constitutional determination—when bill after bill goes through here and these same Senators ride roughshod over any constitutional implications and happily allow the Supreme Court to do what it is supposed to do.

Senator GEORGE MITCHELL, who has sat as a Federal judge, who most people here would agree to be a shoo-in to sit on the U.S. Supreme Court, expresses a directly opposing view to that espoused by—frankly—lesser lawyers on the other side of the aisle. And yet, it is still so important to them this constitutional implication be decided here.

All you have to do is read the controlling case in this area, Buckley versus Valeo. Buckley versus Valeo is very clear in saying that there is plenty of discretion in this bill that fits under the voluntariness requirement of the Supreme Court.

We have heard talk about food stamps for politicians. I wish Americans could come and see the merry-go-round of fund raising that takes place here. If you want to see real food stamps, go to one of the parties in Washington where Congressmen rarely have to buy a meal. They go out and eat hors d'oeuvres from the hands of lobbyists. That is the food stamp first.

This bill is a liberation from the fundraising merry-go-round, and the same people who opposed it previously are back again to tie up the time of the U.S. Senate and prevent the majority from working their will. This is a game that is being played right in front of the eyes of Americans. It is time that the press and others in this country called it what it is.

This is gridlock; gridlock in the interest of status quo; gridlock that is reflective of a fear or our friends that campaign finance reform might actually create a level playing field, that it might actually do the exact opposite of what they say, that it might threaten incumbency, not aid it.

I ask any American to make a judgment. Do you have a fairer race for the U.S. Senate or House if people have equal amounts of money, or do you have a fairer race if an incumbent by virtue of the power of incumbency can raise unlimited sums of money and outspend the challenger by two to one or three to one? Any kid in grade school can answer that question.

Yet our friends come down here and try to suggest that this bill, which attempts to limit the amount of money that we raise and spend in campaigns, is somehow going to favor the incumbent. There is no incumbent politician in this country who does not understand that if a challenger can raise as much money as we can, we are in serious trouble. We are in serious trouble, that is, unless we have focused our efforts during our time in office compiling a good record to run on, unless we have been responsive to the public will, unless we have done something to earn our keep other than just raise a lot more money than our challengers can.

Do the American people know that the U.S. Congress was up all night last night, that people's salaries are being paid, that people were here doing nothing in the interest of delay, doing nothing in the interest of taking us right back over the same track we have already been down before?

The game here is very simple folks. Tie it up for 30 hours or so now, use up a few days of the week, then we come back and we have another motion to proceed. We chew up the time, another 30 hours, and all of sudden everybody is getting backed up into their campaigns they want to get out of here. And what happens, campaign finance reform fails.

If the Republicans were serious in saying they want reform then they should go sit down at the conference table and let the process work its will. Sit down at the conference table and allow people to work the measures out. But they do not want to do that, or if and when they do get to doing that, they want to make sure it is at the last possible minute so that nothing else can happen here—nothing else can get done.

Today in the Commerce Committee we got a letter making last-minute demands on the communications bill. This is a bill that has been worked on this whole year with bipartisan support, which passed out of committee supported by both sides of the aisle, 18 votes or so in support, and yet at the last minute Republican demands are put up which effectively have killed the Communications Reorganization Act for this year.

We are operating our entire communications structure in this country under an act that is 60 years old, yet because of this Republican willfulness and unwillingness to let majority rule work, an unwillingness to allow the legislative process to function, the entire bill has been killed.

Maritime reform. That was another measure that was on the schedule today. But maritime reform became the victim of a few Republican Senators who exploited a rule that allows them to object to a committee meeting for more than 2 hours when we are in session. So, gone is maritime reform, something we desperately need for this country, something which would have created jobs.

I want America to wake up. Wake up America. What is happening here is gridlock that is a reflection not of incompetence but of political strategy, pure and simple. What is happening is gridlock, part of a scorched-Earth policy to try to damage this institution so that everybody in America will believe that we cannot get something done. Then the public will look and see that Democrats are in the majority—"in the majority" though it takes 60 votes to do anything, so our "majority" is an illusion—the theory being that because it takes 60 votes to accomplish anything but the public doesn't understand this, as long as Republicans exploit the filibuster, nothing will happen, it will reflect badly on the Democrats and, by God, they will win at the election booth.

So America you are being taken on an incredible ride right now. You are

being taken on an incredible ride, a calculated effort to create gridlock and chaos that reflects badly on the "party in power," even though the party in power cannot get anything done because it takes 60 votes to do something and the minority will not allow that something to happen. And here is the example of it right here in front of your eyes; campaign finance reform, a bill that the political system of our country desperately needs, is being killed by people coming to the floor of the Senate and filibustering on the hypocritical argument that, "Well, months ago we should have sent this to a conference committee."

We have been working on this for 10 years—10 years. It died when President Bush vetoed it. It dies when they filibuster it. Sixty Senators have already voted for this yet it may die again because now Republicans are determined to prevent the majority from having its way.

I hear complaints about how much this bill is going to cost—someone last night said it is a entitlement that it is going to create a new mandate for funding. Folks, if Americans were to stop and take a look at the unfunded mandate that they are paying for today by virtue of today's campaign finance system, they would be shocked. Billions upon billions of dollars in bills that come about because of the linkage of money to politics, elections; billions of dollars it cost you today compared to the few hundred million that would go in through taxpayer checkoff, through a system that would allow people to run for office free of all of this influence. Billions of dollars.

Let's speak with candor about what happens in this city. Little measures go into Ways and Means bills, measures go into the Finance Committee, big projects go through Appropriations, special measures for this entity or that entity or another, and everybody gets taken care of in the end. That is what campaign money does to democracy.

This current finance system is far and away more expensive than what this bill contemplates. I have heard people say this bill shuts off free speech. Mr. President, if a millionaire wants to run for office under this bill and spend his or her entire fortune, there is nothing to prevent him or her from doing so. There is no turning off of the spigot of free speech in this bill. You can speak as much as you want—but there is a price. And the price is democracy. The price is that someone on the other side also gets a chance to speak.

So we are saying we do not want our elections to be decided by money. We do not want Americans held prisoner to big, high-priced lobbyists and companies that can come in with scads of contributions and work their will. We want politicians listening to Americans. We want them out there in living rooms. We want them in the backyards. We want them at fairs. We want them in schools. We want them talking to people, raising small contributions, and not just sucking up to special interest money.

All we have done in the United States today is turn Congressmen and Senators into money collectors for broadcasters. That is what we do. We have highjacked the American political process and allowed it to be held hostage to a process of fundraising where we become the conduits for special interest money to go directly to the broadcasters.

Look at what happens in any campaign. We go out, we spend incredible amounts of time traveling. A Senator from New Hampshire or Ohio going to Indiana, Mississippi, Florida, California, New York, all over the country to raise money. For what purpose? To hand it over to a broadcaster. And in the process we create a whole series of priorities of access that dilute and pollute the political process of this country.

Now, if my friends disagree with this, why not just vote no. Just vote no and go home to your district and tell them how lousy this bill is. But, no, they smell blood in the water and they want to use their minority power of filibuster to kill reform. And the reason they want to kill reform is that they like the system the way it is because it advantages them, because they can go out and raise more money than anyone else because they have their fingers on the buttons and levers of power and nonincumbents obviously do not.

So the system will remain, with politicians playing to the people who operate the levers and the buttons. It is very simple stuff and most Americans understand it an awful lot better than most people in the U.S. Congress want to allow for.

What is happening here in the last 24 hours and will go on and on probably is the great reluctance of the minority to allow the majority to work its will. This is gridlock at its absolute worst, and Americans should wake up and focus or they will continue to get the kind of Government that they deserve if they are not paying attention.

America, we have been here before. We voted for this bill. It already passed. We already broke the filibuster, and now we are right back here chewing up the last days of the Senate of the United States in its action because a few people like the system the way it is. That is what is this is about. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, before yielding the floor to Senator MURKOWSKI, who is waiting patiently for his turn, I want to thank Senator KERRY for using 30 or so minutes and telling him that he is right, in part. We make no apologies for trying to kill this horrible bill. It is clearly unconstitutional, and the lawyers we cite, as he knows, are from the American Civil Liberties Union.

It clearly is an entitlement program for politicians by any definition, and the American people, we believe, looking at the polls, are about to send some of the cavalry up here to rescue them from the kind of legislation this Congress is trying to pass. Certainly we are going to do everything we can in the waning hours of this session to make certain this kind of outrageous proposal does not become law.

Mr. President, I yield the floor.

Senator MURKOWSKI is here ready to proceed.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I note the presence of the majority leader and the minority leader. I believe that they wish to proceed. I yield the floor subject to being recognized after their completion.

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

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate vote at 1:45 p.m. today on the motion to disagree to the House amendments on S. 3; that upon the disposition of that motion, the Senate vote immediately on the cloture vote on the motion to disagree to the House amendments on S. 21; that if cloture is invoked, the motion to disagree to the House amendments on S. 21 be agreed to; that regardless of the outcome of the cloture vote, the Senate resume consideration of the message on S. 3; that the motion to request a conference with the House be the pending business; and that a cloture vote—the motion having been filed when the Senate resumes consideration of S. 3—on that motion to request a conference occur at 10 a.m. on Tuesday, September 27, with the mandatory live quorum waived.

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

Mr. MITCHELL. Mr. President, as a result of this agreement, there are expected to be two rollcall votes at 1:45 p.m. today, the first on the motion to disagree regarding S. 3 and the second a cloture vote on the motion to disagree regarding S. 21, the California desert bill. That second vote will be the last vote today.

On Monday, the Senate will resume consideration of the amendments in disagreement to the D.C. appropriations bill.

Mr. President, I thank my colleagues.

Mr. MURKOWSKI. I thank the majority leader and the minority leader.

Mr. President, I too want to thank my colleague from Massachusetts for taking up some 30 minutes or thereabouts. Obviously, the position of many of our friends on the other side has been to move this to conference without debate. But the Senator from Massachusetts saw fit to take some time. So we are most appreciative on this side.

I think it is also appropriate to reflect a little bit on the allegation that this is gridlock, in effect, and the Senator from Alaska will concede it is a gridlock. But let us reflect on whose gridlock it is and why.

Among the Senate and House Democratic leadership, there is a gridlock. Senate Democrats have wanted to do something on PAC's so that they could get their taxpayer funded spending limit bill through the Senate. That is a fact. But House Democrats prefer to do nothing in regard to lowering the PAC contribution limit. Hence, it was interesting to note the Washington Post headline last month, and I quote: "Democrats Fail To Compromise on PAC Limits."

So, in reality, the gridlock that does exist and has existed for some time between the House and the Senate is with the Democratic leadership in the House and the Senate. Make no mistake, it is the Democrats who control both the Senate and the House. So when our colleague from Massachusetts refers to gridlock, I would encourage all my colleagues to reflect on the reality that gridlock does occur, is occurring, and has occurred, but it is within the House and Democratic leadership and their inability to resolve campaign reform.

Mr. President, I would also like to reflect on the comments of the Senator from Massachusetts relative to the aspects of just what this bill is all about.

This bill is about the disagreement over whether the American taxpayer should fund our elections or whether we ought to fund our own elections. It has been more than 15 months since the Senate passed its version of campaign finance legislation. I voted against this legislation because I genuinely believed that it was flawed. And I believe it is the height of political arrogance for Members of Congress to demand that the American people be taxed in order to finance our political campaigns.

I can tell you, in Alaska, what people think. They do not want their taxpayer dollars financing political campaigns in the U.S. House and the U.S. Senate.

And I think, Mr. President, that anyone who thinks we can pull the wool over the eyes of the American public by calling this an election reform bill is really out of touch with reality in the mainstream of America.

I do not think this is a reform bill. This is really a welfare bill, a welfare bill for politicians. It is going to create a new entitlement program. It is going to cost the American taxpayer roughly $200 million every 2 years. And that $200 million entitlement is going to grow as candidates for Congress proliferate, and they are going to proliferate at the expense of the American taxpayer.

So, as we reflect on the comments of the Senator from Massachusetts, I think we have to qualify, if you will, just what the issue is.

The majority of the American people do not want their tax dollars going to fund Senate and House elections. According to the Congressional Budget Office, this legislation would generate taxpayer-financed matching payments as high as $100 million for Senate candidates in 1996 and 1998. Senate candidates would be eligible for excess expenditure payments, voter communication vouchers, reduced broadcast rates, discounted third-class mailing rates, and all kinds of things that the average public would not even conceive of. But they are in here.

Now, let me describe some of these payments to you. Excess expenditure payments would kick in if a candidate's opponent exceeds the individual State spending limit. In that case, the candidate would receive a payment equal to one-third of the general election spending limits.

In addition, if the candidate's opponent exceeds the limit by more than 33 percent, the candidate would be entitled to receive another payment equal to one-third of the general election limit.

Now, if that is not complicated enough, in addition, if one's opponent exceeds the State spending limit by 67 percent, the candidate would be entitled to another 33 percent of the State spending limit. So it is going to take an accountant to keep track of the exceptions in this.

Somebody said there are more loose ends in this than a $10 hairpiece.

Well, Mr. President, according to CBO, these excess expenditure payments would cost the taxpayer $46 million in 1996 on top of the $57 million for general matching contributions. And that is just for this body, the U.S. Senate. We are not talking about the House.

But let us talk about the House. Candidates for the House would be entitled to receive $218,000 of Federal taxpayers' money—and I want to emphasize, Federal taxpayers' money—to help finance their campaigns.

But that is not all they are going to receive. If a candidate's opponent refuses to limit spending beyond the threshold amount of $436,000, the candidate would be entitled to unlimited matching funds—unlimited matching funds. If a candidate's opponent spent more than $273,000 of personal funds, the candidate would be entitled to a triple match, $3 of taxpayers' financing, for every $1 contribution. They are going to need a Philadelphia lawyer to figure that out.

In other words, this legislation will provide candidates for Congress with what amounts to an open-ended checkbook paid for by the U.S. taxpayer.

And that is why those on this side of the aisle are standing, around the clock, explaining to the American people the reality of just what is in here and what this so-called gridlock is all about.

One would ask, are we so swimming in excess cash in this Congress that we can afford to throw out some $200 million every 2 years to pay for our campaigns? We all know we cannot. We are $4.6 trillion in debt in this country.

Do you know what we are going to do if this proposal goes through? We are not going to fund it. We are going to fund it by deficit financing. Instead of $4.6 trillion in debt, it is going to be $4.8 trillion, or what have you. We are borrowing money to cover the cost of interest on our debt. Think about that. We are not paying down the principal, $4.6 trillion. We are borrowing money to cover the cost of the interest. So we are really adding interest to the assimilated debt.

I do not have to tell you, as a former banker, what that does. You are broke already, you just do not know it. Or, if you know it, you will not acknowledge it.

Yet, we have the audacity to demand that the American citizens ante up another $200 million every 2 years to pay for our reelection campaigns.

Mr. President, I can assure every Member of this body that if we pass any legislation that forces taxpayers to pay for our campaigns, there are going to be few of us, if any, who will be mounting successful reelection campaigns in the next few years.

I think every Member of this body should take note of the primary election campaign that was held this week in Oklahoma. An 8-term Congressman, MIKE SYNAR, spent $300,000 to defend his seat—$300,000, Mr. President. His opponent, Virgil Cooper, a 71-year-old former school principal, spent less than $17,000, passed out his business card around the State, and emphasized the fact that he was not an incumbent—$17,000 campaigning under a platform that he was not an incumbent. Cooper won.

Now, what does Cooper's victory suggest? It suggests to this Senator that people are even more fed up with politics as usual in Washington than they were in 1992, when they gave Ross Perot 19 percent of the vote. They are fed up with mandates, and that is what this would be. This would be a mandate that the taxpayer fund our House and Senate elections. They are fed up with high taxes and they are fed up with a

broken welfare system that keeps people on welfare. They are fed up with illegal immigration. They are fed up with crime. And, most of all, they are fed up with our inability to seriously tackle—seriously tackle—that $4.6 trillion national debt and the yearly deficit. Because each year, we spend more than we take in.

But the dam of that frustration with Washington, I think, is going to break. It is going to break and flood when the taxpayers learn that we have now decided to finance our campaigns with their hard-earned tax money. Instead of reducing the deficit, instead of financing new prison construction, we have decided to use their money—their money—to pay for our 30-second spots or for our bumper stickers.

I would be interested to see how many of our colleagues are going to campaign this fall on a platform of taxing the American people to finance their own political campaigns. I will bet not one Member who is up for reelection this year is going to have this in their platform. When asked if they believe in it, they are going to say, "Well, you know, we are giving it study. It is under consideration. There is a good side and a bad side. There is one hand and another hand." And you are not going to get an answer because nobody is going to say: I want the American taxpayer to fund my reelection effort.

We all know that our colleagues are going to reflect on this reality. Our colleagues, none of them will dare raise the issue of taxpayer financing for congressional campaigns, as I have stated, because we know that the American people have already cast their ballot—think about this—they have cast their ballot on the idea of using taxpayer money to finance political campaigns.

Now, how have they done that? Let me tell you. They have done it by a resounding margin of more than 5 to 1. And they voted no, Mr. President.

We have a model for taxpayer financing of political campaigns right now, the Presidential Election Campaign Fund, that is financed by a taxpayer checkoff on the Federal income tax form. Do you remember that? It is there on every form. We all have an opportunity to check it off.

The Presidential fund paid out $174 million in 1992. Of that amount, nearly $43 million was paid to candidates who ran in the Presidential primaries.

President Clinton and former President Bush received more than $23 million of taxpayer funds. Pat Buchanan received $5.2 million; Jerry Brown, $4.2 million; Paul Tsongas, $3 million; BOB KERREY, $2.2 million; TOM HARKIN, a Senator from this body, $2.1 million.

But those were not the only Presidential candidates who benefited from taxpayer funding. There were others.

There were others. Some of the names are familiar.

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Lyndon LaRouche received more than half a million dollars from the Federal taxpayers to help finance his 1992 campaign.

Where did he run that campaign, Mr. President? He ran it from a prison cell. What do you think of that? He ran his campaign, Lyndon LaRouche, his 1992 campaign, from his prison cell, with more than half a million dollars of taxpayer funding.

In fact, Mr. LaRouche has collected more than 2 million taxpayer dollars from his five, Mr. President—five—unsuccessful campaigns for President. Do you think the American taxpayer, given an opportunity, would approve of that kind of taxpayer financing?

Lenora Fulani—I am not sure of the pronunciation of that, because, frankly, I am not familiar with the person or the New Alliance Party—received $2 million in her unsuccessful campaign for the Presidency in 1992. And in her three—she has had three unsuccessful runs for the Presidency—she received more than $3.5 million of taxpayer money.

What do you think of that, Mr. President?

Well I know what I think of it.

I would note that John Hayden of the National Law Party—I have not heard too much of that party either—received more than $350,000 of taxpayer money in 1992 to finance his unsuccessful run for the Presidency.

Another one you may have heard of, common household name, Larry Agron, received more than a quarter of a million dollars that same year.

Now in the general election both candidates, Bush and Clinton, received $55.2 million in taxpayer funds. Some Americans may think this is an excessive amount of money for a general election campaign, but they would probably be even more shocked to learn that both the Democratic and the Republican Parties each received more than $11 million to produce their own political convention. Is the American public aware that the taxpayers' money is going to produce the political convention? Well, they are.

Mr. President, these excesses, you know you wonder, do they go unnoticed by the American taxpayer?

The very first question that appears on everyone's 1040 income tax form, and I will refer to that again, reads, and I quote "Presidential Election Campaign Fund. Do you want a dollar to go to this fund?" That is on everybody's 1040 income tax return.

Then it is noted that "checking yes, will not increase your tax, or reduce your refund." It will not increase your tax. It will not reduce your refund.

So, Mr. President, every year Americans exercise this right to vote, and they are voting. They vote for or against using taxpayers dollars to finance election campaigns. They know it will cost them nothing. They know it will not cost them anything extra in terms of their tax liability. And they know the only way they can vote in favor of public financing is to check the box that has the "yes" in it. If they leave the election checkoff box blank, well, you can draw your own conclusions. They are effectively voting no, because the only way the Presidential fund can be financed is from taxpayers' returns that have checked the "yes" box.

Mr. President, the results have long been in on this. I think it is an absurd idea of tax financing.

In 1980 more than 7 in 10 Americans, 72 percent, either checked "no" or left the boxes blank. That is a pretty good indication of public opinion. Only 28.7 percent of the American taxpayers checked yes on the presidential campaign fund. And I would note that that was the high watermark for taxpayer financing. That was 1980.

In 1985, only 23 percent checked yes.

In 1990, less than one in five, 19.5 percent of the taxpayers checked the "yes" box. Pretty good indication of public opinion on taxpayer financing. Four out of five voted no by checking the "no" box, or leaving the "no" box blank.

In the most recent Presidential election, 1992, the campaign checkoff had declined to nearly 17.7 percent. Eighty-three percent of Americans expressed their opinion, and that opinion was "no." So, the failure of the Presidential checkoff——

Mr. MCCONNELL. Will the Senator yield for an observation?

Mr. MURKOWSKI. Yes.

Mr. MCCONNELL. I happened to look up the State-by-State checkoff, and in his State of Alaska, it was only 14 percent in 1991; my State of Kentucky, only 10 percent. Our folks, the people we work for, hate it even more than the national average.

Further observation, as the Senator knows, last year because of this declining participation in the checkoff, they were afraid the whole thing would be broke by 1996, so they put it in the budget bill and now an individual gets to divert $3 instead of $1. Fewer and fewer people can divert greater and greater amounts of money. I thank the Senator for his observation.

Mr. MURKOWSKI. I thank my friend from Kentucky. I want to commend him on his extraordinary commitment to this issue, and the fact that he has been on the Senate floor virtually around the clock, communicating to American taxpayers the reality associated with this legislation.

I hope that my input today contributes to greater understanding of just what taxpayer financing is all about, and the ultimate attitude that seems to prevail among Americans with regard to the alternatives of supporting it by checking off on the 1040 form, or simply leaving it blank, which is a

pretty good indication that they disapprove of it.

Mr. President, the failure of the Presidential checkoff has been so pervasive in the Senator from Alaska's opinion, that the campaign fund has been really verging on bankruptcy.

However, instead of abandoning this failing concept, our Democratic colleagues on the other side resurrected the fund last year, when they voted to raise the checkoff, as my friend from Kentucky has observed, from $1 to $3. I am pleased to remind the American people that not a single Republican voted to support that increase. Not one.

Earlier this year, I offered an amendment that would have switched the checkoff from a fund for subsidizing politicians, which is what this is all about, subsidizing our elections, to a trust fund for funding disaster relief. We do not know when it will occur, but we know it occurs. We have floods, disasters, hurricanes, typhoons, and we do not have the ability to meet, if you will, the significance of the obligation from a financial point of view.

We know when elections are going to occur. It is rather interesting, on nearly a party line vote, that amendment was defeated. And I think, Mr. President, the majority of taxpayers would rather check off a box for $3 for disaster relief, than for public financing for elections in the U.S. Senate and U.S. Congress. But nearly on a party line vote, that amendment was defeated.

Mr. President, with 83 percent of the American public refusing to support taxpayer financing of Presidential campaigns, it is clearly apparent that this is not a partisan issue with the American public. But our friends, on the other side of the aisle seem to think otherwise.

Now, the American public has indicated—Democrats, Republicans, Independents—an overall rejection of the idea of taxpayer financing.

And let us look a little bit at another area that is rather interesting, and that is the attitude of the President and Mrs. Clinton.

I would note that the President and Mrs. Clinton have demonstrated—and I will enter this into the RECORD with their 1040 tax forms—they have demonstrated a longstanding opposition to taxpayer financing of Presidential campaigns.

I have copies, Mr. President, of their returns, William J. Clinton and Hillary Rodham, Little Rock, AR. These returns go back as far as 1977. At that time, our President was serving as attorney general of Arkansas.

It is rather interesting. In both 1977, Mr. President, and 1978, both the President and the First Lady left the Presidential election campaign checkoff blank. Well, it is a "no" vote to me. In other words they voted "no" on financing Presidential elections with taxpayer funds.

For a reason not explained in this 1040 form, in 1979, there seemed to be a split in family opinion, and as a consequence, the President—he was then Governor Clinton—checked the "yes" box, but Mrs. Clinton, Hillary, checked the "no" box.

Well, you can draw your own conclusion to that. Obviously they had a difference of opinion, not uncommon. Nancy and I have differences of opinion from time to time.

Mr. McCONNELL. That was a difference in opinion one year. Some years for, some years against.

Mr. MURKOWSKI. The Senator from Kentucky is correct in his observation.

In every year through the decade of the 1980's, and I am going 1979, 1980, "no" box was checked, neither "yes" nor "no" on the joint return. In 1981, "no" box checked, neither "yes" nor "no." One assumes they did not support it.

In 1982, "no" box checked. Neither "yes" nor "no" for Hillary or Bill Clinton.

In 1983, "no" box checked.

In 1984, "no" box checked.

Clearly they were not too enthused about taxpayer funding for elections.

In 1985, "no" box checked.

In 1986, blank again, "no" box checked, neither "yes" or "no."

In 1987, getting closer, "no" box checked, neither "yes" or "no."

In 1988, "no" box checked. Still getting closer. At that time—let us see—another year, "no" box checked. No "yes" or "no."

But something curious happened in 1990. There was a change. There was family unanimity, and they both voted "no" in the sense of checking the "no" box. No contribution from either one. They did not leave it blank like they had the other 7 years. They simply said, "Do you want $1 to go into this fund?" The answer was "no." They have a joint return. "Does your spouse want $1 to go to this fund?" And the "no" box was checked.

Mr. McCONNELL. Will the Senator yield?

Mr. MURKOWSKI. Yes.

Mr. McCONNELL. Before he goes on to 1991, could 1990 have been the year the President was running for reelection as the Governor of Arkansas?

Mr. MURKOWSKI. It is my understanding that he was then running for reelection as Governor of Arkansas.

Mr. McCONNELL. So the Senator from Kentucky would be correct in concluding that in the previous years, there was a no designation, and we all interpret that not to be a no, but no affirmative declaration.

Mr. MURKOWSKI. With the exception of 1979 when there was a declaration on the part of, at that time, Mr. Clinton.

Mr. McCONNELL. But then in a 1990, the year in which he was reelected the last time as Governor, he and Mrs. Clinton both checked "no."

Mr. MURKOWSKI. Yes, they both checked "no" in 1990.

In 1991, on the joint return filed by Governor Clinton and Hillary Rodham, there was a rather curious change. It asks, "Do you want a dollar to go to this fund?" The answer was "yes." And in the joint return, "Does your spouse want the dollar to go to this fund?" The answer was "yes."

That is a rather curious thing. This was the 1991 return. However, it was filed April 14, 1992. By April 14, Governor Clinton was already receiving Federal funds for his Presidential campaign that he had probably begun receiving since February. So by the time the filing occurred, April 14, which is when the President and Mrs. Clinton would have checked the box off, because that is when you generally indicate your completion of our 1040 form, they had already been receiving Federal funds for his Presidential effort.

So it is quite easy to conclude why he would have had a change of heart, because he was receiving Federal funds then. But it is rather curious to reflect back on the 1990 return, when both he and Mrs. Clinton checked off the "no" box, that they did not want to make a contribution to Federal funding for elections. The next year when he was running for President, he felt a little differently.

Mr. President, I think that is a reflection, if you will, on public opinion over the period of 1977 through 1992 by our current President and his attitude over those years toward Federal funding of elections, from the standpoint of Presidential elections.

(Mr. DORGAN assumed the chair.)

Mr. MURKOWSKI. I think it is ironic that the President and First Lady, when they had the opportunity to cast those votes on public financing over that time period, they voted no in that 13-year period. I am told that a quick application of arithmetic would indicate that during that time the Clintons' joint return they could have checked off a total of $26 to finance the Presidential trust fund. But over that period they checked off only one single dollar for public financing.

Mr. President, I ask that the returns I have referred to be printed in the RECORD.

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

1977 RETURN

Presidential Election Campaign Fund

Do you want $1 to go to this fund?	Yes	No
If joint return, does your spouse want $1 to go to this fund	Yes	No

1978 RETURN

Do you want $1 to go to Presidential Election Campaign fund?	Yes	No

1978 RETURN—Continued

If joint return, does your spouse want $1 to go to this fund?	Yes	No

1979 RETURN

Do you want $1 to go to this fund?	Yes	No
If joint return, does your spouse want $1 to go to this fund?	Yes	No

1980 RETURN

Do you want $1 to go to this fund?	Yes	No
If joint return, does your spouse want $1 to go to this fund?	Yes	No

1981 RETURN

Do you want $1 to go to this fund?	Yes	No
If joint return, does your spouse want $1 to go to this fund?	Yes	No

1982 RETURN

Do you want $1 to go to this fund?	Yes	No
If joint return, does your spouse want $1 to go to this fund?	Yes	No

1983 RETURN

Do you want $1 to go to this fund?	Yes	No
If joint return, does your spouse want $1 to go to this fund?	Yes	No

1984 RETURN

Do you want $1 to go to this fund?	Yes	No
If joint return, does your spouse want $1 to go to this fund?	Yes	No

1985 RETURN

Do you want $1 to go to this fund?	Yes	No
If joint return, does your spouse want $1 to go to this fund?	Yes	No

1986 RETURN

Do you want $1 to go to this fund?	Yes	No
If joint return, does your spouse want $1 to go to this fund?	Yes	No

1987 RETURN

Do you want $1 to go to this fund?	Yes	No
If joint return, does your spouse want $1 to go to this fund?	Yes	No

1988 RETURN

Do you want $1 to go to this fund?	Yes	No
If joint return, does your spouse want $1 to go to this fund?	Yes	No

1989 RETURN

Do you want $1 to go to this fund?	Yes	No
If joint return, does your spouse want $1 to go to this fund?	Yes	No

1990 RETURN

Do you want $1 to go to this fund?	Yes	No
If joint return, does your spouse want $1 to go to this fund?	Yes	No

1991 RETURN

Do you want $1 to go to this fund?	Yes	No
If joint return, does your spouse want $1 to go to this fund?	Yes	No

1992 RETURN

Do you want $1 to go to this fund?	Yes	No
If joint return, does your spouse want $1 to go to this fund?	Yes	No

Mr. MURKOWSKI. I do not fault the President for this sudden change of heart in 1992. That is understandable. All of us know it is very difficult to run a campaign if you have to rely solely on private contributions. It is far easier to have the American taxpayer write a check—a blank check—than to have to attend these fundraisers where ordinary citizens can demand your accountability.

But this Senator is not willing to opt for simply the easy way out. I do not believe any of us are doing such a good job in this Congress that we have a right to pick the pockets of the American taxpayer and demand that they ante up campaign funds for our reelection through their taxes.

Moreover, Mr. President, it is incomprehensible at a time when our national debt, again, is more than $4.6 trillion, that we would even contemplate using Federal money, taxpayer money, to finance congressional campaigns. We are all aware that there are more pressing needs in our country than to hand over hard-earned taxpayers' money for politicians in the House and Senate to run their elections. I would venture to say that if we had a referendum on spending $200 million for congressional campaigns or using that money to reduce the deficit, the vote would overwhelmingly be in favor of reducing the deficit. And it would be a great investment because it would reduce the deficit and the carrying costs, or the interest.

I remind my colleagues that as we debate the idea of entitlements—and that is what this is, an entitlement for politicians—our fiscal house has seriously eroded over the last 7 months.

Let me just go into this for a minute, Mr. President, because at the end of July, the administration released its midsession review of the budget. The report contained revisions of the budget projections contained in the President's February budget, based on actual changes in the economy and technical re-estimates of Federal spending. There was some euphoria. At first glance, the midsession review seemed to bring good news with regard to the Federal deficit.

For the current fiscal year, the deficit is projected to come in at $220 billion, down from $234.8 billion. The good news is not that we do not have a deficit; it is that the deficit is less. It is $220 billion instead of $234 billion. Next year, the administration projects the deficit will be $167 billion, down from February's estimate of $176 billion. That is some more good news. If one can conclude that that downward trend continues, we can have some optimism about our capacity as a Government to rein in the deficit by reducing the rate of growth of the deficit. That sounds pretty encouraging.

Unfortunately, Mr. President, these projections mask the seriousness of the deficit and the debt problem that will continue to plague our Nation, unless we perform some radical surgery on Federal spending, especially entitlement spending.

Where are we reducing our spending? We are reducing it in our military capability. Our defense budget continues to drop. That is where the cuts are. In our Haiti effort, we had to call up volunteer reservists, or were prepared to, or to put them on notice. Haiti is pretty small in the sense of a major military effort.

So as we look at the deficit, we have to ask ourselves: Is the deficit declining because we have finally found a way to reduce Federal spending? With the exception of the defense budget, the answer is clearly "no." The administration's midsession review indicates that in this fiscal year Federal spending will be only $4 billion lower than it was projected in February. This, unfortunately, is not the result of changes in Federal policy, it results because States will not be spending as much as they anticipated on Medicaid. That means that Federal spending on Medicaid is going to drop.

Let no one be misled or mistaken. Overall Federal spending is not going down. It continues to spiral up. In this fiscal year alone, the Federal Government will spend $1.480 trillion. That is $72 billion more than was spent in 1993. Next year, and every year thereafter,

Federal Government spending is going to continue to rise.

I remind my colleagues who has controlled both the House and Senate during those years, and that is where the funds are appropriated. It is not the executive branch that appropriates this money.

Mr. President, a close examination of the midsession review shows that the only reason the deficit is going to decline a little bit this year and next year is because tax revenues now are coming in at higher rates than were earlier projected. In other words, citizens and companies are paying more taxes—$75 billion more—over the next 5 years than were projected in February. So it is not coming from cuts. The differential in lowering the rate of growth of the deficit is coming from more tax revenues. Spending is not going down; revenues are merely rising because last year Congress passed the largest tax increase in the Nation's history.

So where is it coming from? You guessed it. It is coming from the taxpayers, and it is coming from the small business person. What is of even greater concern to this Senator from Alaska is that this year's and next year's reduction of the deficit is a temporary phenomenon.

Contrary to the administration's assertion in the midsession review that the deficit has now been placed on a downward path, the projections contained in that document indisputably show that the deficit is getting larger, not smaller. In every year after 1996, the deficit is projected to be larger than it was estimated in February.

For example, in February, the administration estimated that the fiscal year 1997 budget would rise to $181 billion. That deficit is projected 5 percent higher now. It is up to $190 billion.

Similar increases are shown for the next 2 years with the fiscal year 1999 deficit projected up at $207.4 billion.

The cumulative impact of these budget projections is that over the next 5 years the deficit will add more than $935 billion to the Nation's current $4.6 trillion national debt. Let me repeat that. The cumulative impact of current budget projections is that over the next 5 years the deficit will add more than $935 billion to the Nation's $4.6 trillion national debt.

How can anyone suggest or conclude that we are reducing the deficit or reducing the rate of growth of the deficit when one looks beyond 2 years and looks to 5 years?

What is more astonishing about the deficit forecast is that the major reason the deficit is being reestimated upward is not because health care costs are exploding, as the administration would like us to believe, but because the interest expense to service our national debt is consuming a larger and larger share of the Federal budget. People do not understand that when we have this deficit each year, and an accumulated debt of $4.6 trillion, we have to borrow that money—and pay interest on it. We do not get it for nothing.

In February, the administration assumed that 91-day Treasury bill rates would average 3.4 percent in 1994 and 3.8 percent in 1995; 10-year Treasury notes were assumed to return 5.8 percent between 1994 and 1999.

That is how the Government borrows its money to fund the deficit and, unfortunately, pays interest on the accumulated 4.6 trillion dollars' worth of debt which continues, as I have indicated, to grow.

Unfortunately, the administration did not anticipate that these historically low-interest rates could not continue indefinitely without threatening to ignite a new round of inflation. As every one knows, in the intervening 7 months since the February budget, the Federal Reserve has raised interest rates on five occasions. And many economists expect the Fed to hike rates another half point before the year is over, possibly as early as next week, next Tuesday.

As a consequence of these rate hikes, the administration has revised its interest rates computations and assumptions. It is kind of interesting. Now it projects 91-day T-bill rates to be 4 percent in 1994, 4.7 percent in 1995; 10-year notes are now projected to return 6.8 percent in 1994, and 7 percent in 1995 through 1999.

That sounds a little dry, perhaps, but as a result of these interest rate hikes, we are going to have to spend—we do not have a choice—an additional $124 billion over the next 5 years just to service our national debt.

That is something we are going to have to pay because the interest rate went up. That is the differential. That is the cost of interest. It is like I said time and time before, like having a horse that eats while you sleep. It goes on and on and on. It does not provide one job, it does not provide for an inventory, it does not provide for a payroll. It just goes on; it is like a creeping cancer. If you do not address it, it gets out of control.

That is $124 billion over the next 5 years just to service our national debt as a consequence of the increase in interest rate hikes. That is on top of the $1.173 trillion that the administration estimated would be our 5-year interest bill barely 5 months ago.

So just 5 months ago they said $1.173 trillion would be our 5-year interest bill and now they are acknowledging that we are putting on top of that, Mr. President, an additional $124 billion.

So there is the switch in 5 months. There is some food for thought.

In fact, if these interest rate assumptions hold up, by fiscal year 1997 interest costs, Mr. President, will exceed all costs in the Federal budget except Social Security. By 1997 interest costs to carry the debt will exceed all costs of the Federal budget except Social Security. And by 1999, our annual interest bill will be nearly $300 billion. Mr. President, that assumes that the administration's interest rate forecast is correct, the assumptions holds up, that interest will not go up.

I do not know how many of my colleagues recall the prime rate in this country in December 1980, 20½ percent, inflation was running at 11 percent. The prime rate today is somewhere 6¾ to 7 percent.

So, Mr. President, one can just visually project the horrors associated with where this country would be today if we saw interest rates move up and up and up and up beyond the 6 to 7 percent, up to where they were in December 1980 with the prime rate at 20½ percent. Small businessman, small businessperson cannot borrow, cannot pay it back.

The theory then was rather interesting. When I was in the banking business, many of my borrowers said, well, your interest rate is so high but inflation is 11 percent a year, I am going to pay you off with cheaper dollars. So it does not really make any difference.

Well, that is fine until the inflation slowed and then suddenly that person had to pay off his debt with very expensive and hard earned dollars. Unfortunately, many people did not make that transition. They went broke and a lot of people remember that.

So let us reflect on reality. The reality is we have $4.6 trillion in accumulated debt. Our deficits are continuing. The forecasts are for increased deficits, and, very frankly, our exposure for survival lies in something that is very difficult to control and that is interest rates that are low. We have already seen history remind us of the reality that interest rates can go up and they can go up very high and if they were anywhere near 20½ percent as they were in 1980 I venture to say that our government would be in paralysis.

Mr. President, over the next 5 years we are going to have to refinance the vast majority of our outstanding debt—82 percent of the debt. If interest rates were to rise just by 1 percent, the Government would have to pay out an additional $150 billion of interest on top of the $1.297 trillion projected in the most recent estimate. And I would note that based on the most recent market movements, 3-month bill rates currently are 5.78 percent and 10-year notes at 7.56 percent, significantly higher than the average projected for next year.

So, I would suggest to my colleagues that without a single stroke of the congressional pen, not a single action by us, neither the House or the Senate, without a fax machine, without a single change in the Federal program, we have in the past 7 months been forced

to spend an additional $125 billion simply because interest rates rose. That is reality, Mr. President.

Can you imagine what type of a debate we would have had on the floor of this body this year if a Senator proposed increasing the Federal deficit by $125 billion over 5 years? We would have gone through an endless series of contortions, pay-go rules of audit to determine whether it should be spent. But when it comes to interest, we cannot do anything about it except pay the bill, whether $200 billion or $300 billion, there is nothing we can do to change that bill unless we do one thing, Mr. President, the only thing we can do and we are not very good at and that is reduce Federal spending.

Mr. President, I cite these dreadful numbers to remind my colleagues of what this debate is all about, that taxpayer financing of congressional campaigns is not only a bad substantive idea but that we simply cannot afford the luxury of adding to the deficit and create a new $200 million entitlement for Members of this body, and I use the $200 million figure with great caution because nobody, not even the Congressional Budget Office can accurately assess the cost of this proposal.

When we understand the sorry state of the Federal budget which I hope we have a better understanding of now as a consequence of my outline, we set up a brand new entitlement for politicians pushed at the 11th hour.

The cost of this entitlement program for politicians is really uncertain because it depends on how many candidates there are, how many would choose to participate in the new federally funded program under this proposal. This would include proposed candidates, major party candidates, third party candidates, independent candidates who agree to abide by a spending limit and raised a minimal threshold amount would be entitled to a host of benefits including broadcast discounts, matching funds to counteract independent expenditures, matching funds to counteract opponents who spend over the voluntary spending limit.

The cost of this new entitlement is not foreseeable simply because no one can of course predict how many candidates, how many parties there will be in 1996 or 1998 or 2000.

Mr. President, there were 1,200 more congressional candidates in 1992 than in 1990, a stunning increase that was foreseen. Who can know how many would have accepted matching funds had they been available? Although many candidates might have been wary of using tax dollars to fund their campaigns, hundreds, if not thousands, of additional candidates might have run as independents or third party candidates because of the availability of Federal taxpayer dollars to fund their campaigns.

We have already seen that in the Presidential candidates, some of which we never heard of, coming from organizations and committees that we do not recognize.

Mr. President, the election bureaucracy in Washington, the Federal Election Commission, would have to explode in size if we create taxpayer financing for congressional candidates. The FEC, as it stands now, has a tough time functioning. In fact, of the 1992 Presidential campaigns, the FEC has yet to complete auditing five of them. Here we are in 1994 and still 5 of them left. If we extend taxpayer financing to Congress, the FEC staff estimates that the audit division would have to double in strength and the Office of the General Counsel would have to increase by more than 75 percent. Overall, it is estimated that the FEC would need a 50-percent budget increase. And that is considered a low estimate.

Mr. President, the central tenet underlying taxpayer financing of elections is the idea that it will encourage candidates to limit the amount they spend on their campaign. Yet, where is the evidence that spending limits on campaigns are good public policy? They do not work and their effect is I think antidemocratic. Virtually every reputable scholar who has examined this issue believes spending limits are bad public policy. Let me quote one of the most notable of these scholars, Michael Malbin of the Rockefeller Institute of Government who said in testimony before the Senate Rules Committee:

> In every presidential election since public funding, spending has gone up—with more and more of the money going off the books and underground.
>
> If people care enough about an election, they will look for ways to get involved. If they are big and well organized, and cannot contribute directly, then they will look at independent expenditures. Or delegate committees. Or registration and get-out-the-vote. Or communicating with members. Or buying issue ads that publicize the position of an incumbent without directly advocating election or defeat. Or dozens of other devices—some of which have not even been thought up.
>
> Off-the-book activities like these have become more prominent in every election since 1976. Some of them can be regulated, but there is no way they can all be eliminated without running roughshod over the first amendment. More importantly, all of these devices favor the well organized and the powerful over smaller participants. What the limits seem to be doing, in other words, is encouraging the powerful to engage in subterfuge and legal gamesmanship. It is giving them an incentive to increase their influence in ways that are poorly disclosed. As a cure for cynicism or corruption, this seems bizarre.

Mr. President, what is really bizarre, really bizarre, is forcing the U.S. taxpayers to pay for what in reality is a proven disaster. It has not been able to fund itself from contributions. We have seen it increased on the 1040 from $1 to $3. We have seen the attitude of our President, who clearly has not seen fit to support it until he was a recipient of it.

Not only should we not force taxpayers to pay for congressional campaigns, we should reconsider the system which forces taxpayers to pay for Presidential campaigns and those quadrennial extravaganzas known as our political party conventions.

Mr. President, I hope it is clear to everyone in this Chamber that I have a fundamental aversion to requiring the taxpayers of this country to finance our political campaigns. I voted against this bill in June 1993 for the reasons I have stated. But a majority of Members of this body voted for public financing. And one of the reasons that they voted for this bill is because the Senate bill completely, Mr. President, completely eliminated contributions from political action committees or PAC's. The Senate bill eliminated them.

I believe that a ban on PAC contributions would do more to improve the public's perception of elections than any other single act.

Now, there can be no doubt that a majority on both sides of the aisle in the Senate wants to eliminate the influence of PAC's in elected politics.

In fact, just last May, the Senate voted 66 to 29 in favor of my amendment—this was in May—my amendment to prohibit the acceptance of any gifts to Members of Congress from a political action committee. That was my amendment. But the reality of why the campaign finance bill has failed to move for more than a year is simply the issue of political action committees. And we all know it.

For several years now, Republicans have advocated zeroing out political action committee contributions for congressional candidates. Not the current $10,000 per election cycle under current law, not the $5,000 per cycle that Common Cause has proposed and admitted would have no effect—zero. No political action committee contributions to congressional candidates. Period. That is, no political action committee, or PAC, contributions to congressional candidates. Period.

Now, on the other side, the Democratic majority grudgingly went along in 1990 inserting the Republican ban provision into their bill just before the Senate started debating campaign finance that year. The Senate again passed the campaign bill in 1991 which zeroed out PAC contributions. When that bill, however, was conferenced in 1992, the PAC's, of course, were back. President Bush vetoed the bill, so we revisited the matter again in 1993. In June 1993, the Senate passed the congressional campaign finance bill that again zeroed out our favorite PAC's. In November, 10 months ago, the House, however, rejected the Senate political

action committee ban and passed a bill that left the PAC contribution limit at the current $10,000 per election cycle.

So when I point out and respond to the criticism of my friend from Massachusetts about gridlock; yes, there is gridlock. The gridlock is over the PAC issue. The issue is between the Democrats who control the House and Senate. They cannot agree. That is the gridlock. And we are being blamed for extending debate on an issue that the American public clearly does not support, and that is Federal funding of congressional elections. So we make no apologies, Mr. President. We are proud. We think we are doing a service. We think the American people agree with us.

So the House rejected the Senate's PAC ban and passed the bill that left the PAC contribution limit at the current $10,000 per election cycle, as I have said. Since November, the House and Senate Democrats, as I have said, again, deadlocked over PAC contributions. House Democrats refused to budge.

I remind everyone where Republicans stand on this issue: No campaign contributions for PAC's.

Why do the House Democrats refuse to give up their addiction to PAC money? Well, let us take a look at some of the numbers. They are going to give us the answer.

Since passage of the Federal Election Campaign Act of 1974, the number of PAC's increased from 608 to 4,729 in 1992. Total PAC contributions to Federal election candidates increased from $8.5 million in 1972 to $189 million in 1992.

In 1992, PAC contributions comprised 24 percent of Senate campaign receipts and 38 percent of House campaign receipts. House incumbent Democrats have been particularly reliant on PAC's to fund their campaigns. PAC's accounted for 52 percent of their campaign receipts in the 1992 election cycle, so House Democrats are understandably sensitive to this issue.

PAC's 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. Yet, in 1992, in races where Members were up for reelection, incumbents received 86 percent of the PAC contributions—$126 million for incumbents versus $21 million for challengers.

Overall, PAC's distributed $161,095,460 to congressional candidates in 1992—$24,014,048, 15 percent, went to candidates running for open seats. Since the 1970's, PAC's increasingly have funneled contributions to incumbents with little or no regard for ideology or voting records. Corporate and trade association PAC's are among the worst in this regard, giving upward of 90 percent of their PAC contributions to incumbents.

It is readily apparent to this Senator that the primary goal of PAC's has been not to support candidates of like mind, but to buy access to the powers that be. PAC's epitomize the special interest influence that has eroded the American public's confidence in Government. That is why Republicans have led the fight to zero out PAC contributions.

Mr. President, if we want to begin to restore faith in this institution of Government, if we want to regain the trust of the voters, let us return to legislating in the interest of the people. Let us terminate the endless mandates from Washington. Let us balance the budget of the United States. Let us adopt tough Federal crime rules without wasteful Federal spending. Let us reform those parts of the health care system that are in dire need of change. And let us get PAC money out of congressional elections.

But let no one deceive himself into believing that demanding that taxpayers finance our campaigns is going to restore faith in this institution. It will only feed the cynicism of the electorate and ensure that incumbents will become an endangered species.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCONNELL. Mr. President, I just want to thank the distinguished Senator from Alaska for his important contribution to this debate. In particular, I thought it was interesting to have a look at the tax returns of the President and First Lady and their own feelings over this issue over the years. I think that was extremely instructive.

Obviously, the President and First Lady were for many years either passive or active opponents of taxpayer-funded elections. Obviously, they have had a change of heart.

I thank the Senator for pointing that out.

Mr. MURKOWSKI. Again, I compliment my good friend from Kentucky for his diligence in ensuring that the American public understands the significance of this debate, and the fact that we on this side of the aisle are very proud that we are attempting to identify specifically what is in this proposed bill to provide Federal funding for House and Senate elections and the prevailing attitude of most Americans, including, obviously, the President and First Lady, over a 12-year period.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I want to apologize to my colleague from Minnesota. I thought we were going to have a little more time here.

But I want to reassure him that there is going to be adequate opportunity next week for him to express himself, as he does so articulately, on this issue. I look forward to engaging with the Senator from Minnesota next Tuesday afternoon and into the evening, if he would like, on the propriety of this legislation.

But, Mr. President, something, I am told by our cloakroom, rather unique has happened here in the last 24 hours. I just want to congratulate my colleagues and tell them what they did.

We have not had a quorum call in the Senate since 10:30 yesterday morning. We have had a steady stream of speakers, everybody here on time, ready.

And, as a matter of fact, I want to, in the remaining few minutes, apologize specifically to Senators DOMENICI, D'AMATO, LOTT, HATCH, CRAIG, and COCHRAN, who were anxious to speak, and unfortunately we were simply unable to accommodate them, frankly, even if we had gone the full 30 hours.

So I want to thank them, as well as the others that I did not mention who were clamoring to participate, including during the graveyard session last night. I have reassured them all that they will have an opportunity to decry the notion that we should begin an entitlement program with tax dollars for our political campaigns here in the waning moments of this session.

So there will be an opportunity, I want to reassure all my colleagues, to address this issue once again next Tuesday, at which point we will again use the opportunity to let the American people know what is being contemplated; what the majority, which has disagreed on this issue for the last 11 months, is seeking to cram through in the final waning moments of this Congress.

One of the senior people in our Cloakroom, Howard Greene, said that he had not seen, in the 28 years he has been working in the Senate, such a lengthy stretch of uninterrupted speeches on one point and without a quorum call. So I want to thank all of my colleagues.

What everybody should conclude from this is very clear, in case anybody missed it: We are trying to kill this bill. In case anybody missed it. We make no apologies about that. We are proud of that.

We think the American people are asking us not to pass taxpayer-funded elections. They are asking us not to set up a new entitlement program for each of us to run our political campaigns with their tax dollars.

And, in case anybody missed it the first time through, we are going to have an opportunity to express that message again as skillfully as each of us can do it next Tuesday.

So make no mistake about it. This is an effort to kill a terrible bill.

Now, when the American people talk about gridlock, they do not mean passive acquiescence to any crackpot scheme anybody may introduce. I do not think that is what the American people have in mind—just roll over and

let any crackpot idea that anybody may come up with go slipping through the Congress and get signed by the President so you cannot be accused of gridlock. I do not think that is what they had in mind, Mr. President. In fact, I know that is not what they had in mind.

And, as a matter of fact, this Senator, and increasingly many other Senators, are convinced that this may end up being the big issue in the 1994 election.

So I am sure that the other side would just love to have an opportunity to vote on such a terrific issue. I am sure they are clamoring for the opportunity to go on record in support of taxpayer-funded elections, and I know that down deep inside, they are terribly upset that, quite possibly, they might not have that opportunity some time here before we adjourn.

But they should not worry. They are already on record supporting this in the House in November and in the Senate last June. So do not worry about it, anybody in the majority who is concerned about being punished by the voters. They already have you on record in favor of this kind of reform. So you will be able to go to the public; you will be able to take your case to the public this fall and brag about—brag about—supporting taxpayer-funded elections.

I am sure we will see commercials in the campaigns of those who voted for this dealing with this issue right up front, claiming credit for supporting this kind of reform. And the voters will have an opportunity, Mr. President, to reward those who feel that this is terrific reform of the American political system.

So I look forward to seeing those commercials, and we look forward to taking this issue to the American people.

Mr. President, I believe it is time for our vote; am I correct in that?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. Therefore, I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

VOTE

The PRESIDING OFFICER. The hour of 1:45 p.m. having arrived, by a previous order, the question is on the motion to disagree to the amendments of the House to S. 3. 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 Massachusetts [Mr. KENNEDY] and the Senator from Nevada [Mr. REID] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Montana [Mr. BURNS], the Senator from North Carolina [Mr. HELMS], the Senator from Oklahoma [Mr. NICKLES], the Senator from Delaware [Mr. ROTH], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BURNS] would vote "yea."

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—93

Akaka	Exon	Mack
Baucus	Faircloth	Mathews
Bennett	Feingold	McCain
Biden	Feinstein	McConnell
Bingaman	Ford	Metzenbaum
Bond	Glenn	Mikulski
Boren	Gorton	Mitchell
Boxer	Graham	Moseley-Braun
Bradley	Gramm	Moynihan
Breaux	Grassley	Murkowski
Brown	Gregg	Murray
Bryan	Harkin	Nunn
Bumpers	Hatch	Packwood
Byrd	Hatfield	Pell
Campbell	Heflin	Pressler
Chafee	Hollings	Pryor
Coats	Hutchison	Riegle
Cochran	Inouye	Robb
Cohen	Jeffords	Rockefeller
Conrad	Johnston	Sarbanes
Coverdell	Kassebaum	Sasser
Craig	Kempthorne	Shelby
D'Amato	Kerrey	Simon
Danforth	Kerry	Simpson
Daschle	Kohl	Smith
DeConcini	Lautenberg	Specter
Dodd	Leahy	Stevens
Dole	Levin	Thurmond
Domenici	Lieberman	Warner
Dorgan	Lott	Wellstone
Durenberger	Lugar	Wofford

NOT VOTING—7

Burns	Nickles	Wallop
Helms	Reid	
Kennedy	Roth	

So the motion was agreed to.

Mr. GORTON. Mr. President, I reluctantly voted in favor of S. 21 when it passed the Senate earlier this year. The bill has been significantly improved by the House. I support the important private property rights improvements made by the House, and want these provisions to be voted on and adopted by the Senate in the form of the Johnston-Wallop substitute. The only way to make this happen is to vote against cloture.

I will gladly lend my support to the Johnston-Wallop substitute to S. 21 because it includes the pro-private property rights provisions included in the House version of S. 21, and S. 455, the payment-in-lieu-of-taxes legislation passed by the Senate earlier this year.

A significant improvement to the Senate passed bill is the Tauzin amendment, adopted by the House by a vote of 281 to 148, which would require that lands purchased under the bill be appraised without regard to the presence of species listed as threatened or endangered under the ESA. The Tauzin amendment is similar to a provision included within S. 1521, the legislation which I have introduced to reform the Endangered Species Act. The Senate bill did not include this provision.

Also included within the Johnston-Wallop substitute is S. 455, the PILT bill, which will force the Federal Government to fulfill its commitment to communities across Washington State which are missing out on property tax dollars. S. 455 is important to counties like Okanogan, which includes 1.56 million acres of federally owned land. By increasing PILT payments, as required in S. 455, we are living up to a commitment made to these counties so that they can continue to provide important services to visitors on Federal lands without bankrupting our local counties.

I will support the Johnston-Wallop substitute because it will increase the likelihood of the inclusion of these provisions important to Washington State in the final conference report on S. 21.

• Mr. BURNS. Mr. President, I would like the RECORD to indicate that if I had been present, I would have voted against cloture on the California desert bill. I am greatly concerned by what this bill will do to the already tight fiscal constraints on our National Park System and the question of private property.

This bill will cause further fiscal hardships on Yellowstone and Glacier National Parks. These parks are already in need of repair, and we can't tighten our belts much more without jeopardizing the infrastructure and natural beauty of these parks. This bill adds millions of new acres—or three new Yellowstones—to our National Park System, and I don't know how we are going to pay for the 80 million acres we already have.

I would like to give two examples. This year, I am working to secure funding for the renovation of two chalets in Glacier National Park. These chalets are historic but are not in compliance with State environmental laws. Yet, the Park Service has not added these to their priority list—it doesn't rate high enough on their already long list. Our Nation's oldest park, Yellowstone National Park is in need of updated facilities to accommodate the growing use of the park in the winter. While millions of visitors come to the park in the summer, Yellowstone is increasingly attractive to visitors in the winter months, as well.

Where are we going to get the funds to pay for these new parks? To me it is simple, Yellowstone and Glacier National Parks are going to suffer by the creation of these new national parks in California.

Also, I am greatly concerned about the taking of private property by this bill. While these actions may be occurring in California, it does effect Montanans. Private property rights are protected by the fifth amendment of the Constitution which states "nor shall private property be taken for public use, without just compensation." Yet, many laws have been encroaching

further and further on this right because people in Washington do not respect or understand the importance of maintaining this right.

This bill places 500,000 acres of private inholdings inside of Federal conservation units. This means that these private property owners will be greatly restricted on what actions they can engage in on their own land. This bill authorizes the purchase of these lands—but that still doesn't fully protect private property rights.

Last, the cost of this bill is too high. According to the Congressional Budget Office, the acquisition of private property alone which is authorized in this bill, would cost somewhere between $100 to $500 million. The administrative and construction costs over the next 5 years would cost $36 million, and $1 million lost in offsetting receipts for fiscal years from 1995–98.

Mr. President, I cannot support this bill. I would urge my colleagues to vote against this bill.●

CLOTURE MOTION

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to disagree to the House amendments to S. 21, the California desert protection bill:

Byron L. Dorgan, Harry Reid, Barbara Boxer, Claiborne Pell, Dianne Feinstein, Max Baucus, Frank R. Lautenberg, Barbara A. Mikulski, David Pryor, Tom Daschle, Patrick Leahy, John Glenn, John Breaux, Harris Wofford, Don Riegle, Tom Harkin.

VOTE

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to disagree to the House amendments to the Senate bill, S. 21, the California Desert Protection Act of 1993, shall be brought to a close?

The yeas and nays are automatic under the rule and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Nevada [Mr. REID] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Montana [Mr. BURNS], the Senator from North Carolina [Mr. HELMS], the Senator from Mississippi [Mr. LOTT], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] and the Senator from Wyoming [Mr. WALLOP] would each vote "nay."

The yeas and nays resulted—yeas 73, nays 20, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—73

Akaka	Durenberger	Mathews
Baucus	Exon	McCain
Biden	Feingold	Metzenbaum
Bingaman	Feinstein	Mikulski
Bond	Ford	Mitchell
Boren	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Grassley	Murray
Breaux	Gregg	Nunn
Bryan	Harkin	Pell
Bumpers	Hatfield	Pryor
Byrd	Heflin	Riegle
Campbell	Hollings	Robb
Chafee	Inouye	Rockefeller
Coats	Jeffords	Roth
Cohen	Johnston	Sarbanes
Conrad	Kassebaum	Sasser
D'Amato	Kerrey	Shelby
Danforth	Kerry	Simon
Daschle	Kohl	Specter
DeConcini	Lautenberg	Warner
Dodd	Leahy	Wellstone
Dole	Levin	Wofford
Domenici	Lieberman	
Dorgan	Lugar	

NAYS—20

Bennett	Gramm	Packwood
Brown	Hatch	Pressler
Cochran	Hutchison	Simpson
Coverdell	Kempthorne	Smith
Craig	Mack	Stevens
Faircloth	McConnell	Thurmond
Gorton	Murkowski	

NOT VOTING—7

Burns	Lott	Wallop
Helms	Nickles	
Kennedy	Reid	

The PRESIDING OFFICER. On this vote, the yeas are 73, the nays are 20. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

CALIFORNIA DESERT PROTECTION ACT OF 1993; CALIFORNIA MILITARY LANDS WITHDRAWAL AND OVERFLIGHTS ACT OF 1991

The PRESIDING OFFICER. Under the previous order, the motion to disagree to the House amendment to S. 21 is agreed to.

HOUSE OF REPRESENTATIVES CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993—MESSAGE FROM THE HOUSE

The PRESIDING OFFICER. The clerk will report the message on S. 3.

The assistant legislative clerk read as follows:

Resolved, That the bill from the Senate (S. 3) entitled "An Act entitled the 'Congressional Spending Limit and Election Reform Act of 1992.'" do pass with amendments.

The PRESIDING OFFICER. Under the previous order, the motion to request a conference with the House is now the pending question.

CLOTURE MOTION

Mr. FORD. Madam President, pursuant to the previous order, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to request a conference with the House on the disagreeing votes of the two Houses relative to S. 3, the Campaign Finance Reform Act:

David L. Boren, Byron L. Dorgan, Patty Murray, Chris Dodd, Wendell Ford, John Breaux, Paul Simon, Jeff Bingaman, Jay Rockefeller, Barbara Boxer, Edward M. Kennedy, Harris Wofford, Carl Levin, David Pryor, John F. Kerry, Pat Leahy.

The PRESIDING OFFICER. The Senator from Kentucky.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators allowed to speak therein for up to 5 minutes.

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

The Senator from Vermont.

CAMPAIGN FINANCE REFORM

Mr. JEFFORDS. Madam President, I come to the floor today with mixed emotions. As someone who supports campaign finance reform, and as someone who has worked hard for its enactment, I suppose I should be glad that we are on the verge of appointing conferees who may be able to work out a bill that will pass both the House and Senate.

But I must say I have my doubts. If our goal were campaign finance reform that is fair to both parties, that is fair to incumbents and challengers, why has this issue been debated in closed-door, Democrats-only meetings for the past 10 months?

I hope my doubts are misplaced. But this process of excluding my party is hardly one that inspires confidence in me or my fellow Republicans.

I know full well that this is one of the most difficult and contentious issues we have to deal with for a number of reasons. People in this Senate, this Congress and the public we represent have very different ideas about what is necessary, what is possible, what will be effective and what is fair.

What is fair campaign reform for challengers? What is fair for Democrats, or Republicans? To Members of the House of Representatives, to Senators?

Last summer, we as a body debated these issues. We spent many, many hours on the floor and off trying to find the answers to these questions. What is fair. What is reasonable. What is possible. What is reform.

It was toward that end that a few of my colleagues and I tried to see if we could consolidate the many good ideas that had wide support from both sides of the aisle and both Houses of Congress. There were also a number of issues that were more difficult but had to be addressed for us to support campaign reform.

I believe the issues that my colleagues and I identified should be of concern to all people interested in true campaign reform. They are the issues that will determine my vote, and I suspect the fate of campaign finance reform. If the conference to come is to be more than a partisan charade, it must address at least three key issues:

Political action committee contributions must be eliminated or at least limited.

The House and Senate must play by the same rules.

And we must pay for it, in real dollars and not funny money.

There is a second set of issues that my colleagues and I have identified as well that must be resolved. They are:

Full and timely disclosure of all soft money, not just party soft money.

In-state contributions should be favored over out-of-State contributions.

Limiting fundraising to the election cycle.

Candidates cannot get personal loans paid back to them from their campaign.

Public financing should be avoided or, if this is not possible, the method of raising the money to pay for public financing must be part of the final bill.

These objectives are neither unreasonable nor impossible. Working with members of both sides of the aisle, we were able to achieve our goals and incorporate into the bill that passed the Senate. We were able to improve the legislation and make it a bill we could support.

The bill was not perfect. It was a compromise by all sides, and no doubt can be improved. But to this Senator, it was fair, reasonable, possible, and it was campaign reform.

Several months later, the House of Representatives passed its version of campaign reform. Unfortunately, the House bill seems more concerned with maintaining the status quo than securing reform.

To me, there are three major weaknesses in the House version of campaign reform.

First, the House wants to set up separate rules for itself. Some differences are obviously necessary to acknowledge the objective differences between the two bodies. But a PAC is a PAC. There is obviously no reason for establishing different limits than protecting incumbents.

To many, the squabble concerning the House of Representatives establishing their own campaign rules and the Senate following another set of rules seems to be unnecessary. I think it is important that we understand what is happening here.

This is not simply an issue of equality between the House and Senate. This is again, about fairness. One of the goals we hear touted all of the time about campaign reform is that it should help even the playing field for challengers.

I agree, and nowhere do the challengers need assistance in evening the playing field more than challengers seeking to be elected to the House of Representatives. Incumbents in the House receive 10 times more money from the political action committees than do challengers.

Yet, the House of Representatives is refusing to budge on the issues of reducing the amount of money a political action committee can contribute to a campaign.

The President clearly expressed his support for a reduction of PAC contributions from $5,000 per election to $2,500 per election in Congressional races. Senate Democrats have expressed their support for the same provision. The American people clearly want to reduce the influence of PAC's. But the House has held tightly to its insistence on no change in the amount of money a PAC can contribute to their campaign.

I do not believe PAC's are bad. I think they have an appropriate and important role to play in the process. But I do support lessening the role they play.

The second issue is how we pay for the system we establish. I know many of my colleagues vehemently oppose any public financing of campaigns. I myself want to do my best to avoid it. But in the wake of the Supreme Court's Buckley decision, and given the political demands of those that support such financing, some measure may be necessary to enact reform.

But we must not do so at the expense of the Federal deficit. This legislation must be paid for before we make the decision that the tradeoff is reasonable and necessary.

Last, but not least, we must insure full and timely disclosure all moneys used to influence elections. It makes no sense to just eliminate soft money going to political parties only to leave in place the ability for soft money to be spent in unlimited amounts and with absolutely no disclosure by other special interests.

I believe strongly that political parties should be able to raise and spend money to get out the vote and build the party, and it should be fully disclosed. But I also believe it is important that such disclosure be demanded of all groups who spend money to influence elections, such as labor unions and church groups.

These groups have every right to encourage their members to be active in elections, however, if they are going to spend substantial sums of money to activate this support, they should disclose this activity.

There are several other issues that I feel should be closely reviewed in conference. In particular, it is important this Congress not pick and choose which special interests might be excluded from whatever reforms are determined. Reform must be as fair as possible and should prevent loopholes that will just have us back here fighting these battles again in a year or two.

Madam President, I have long been a strong supporter of campaign reform. I have often been at odds with a number of my colleagues over the issue of campaign reform and my belief that it is in the best interest of the political process in this country that we have true, fair campaign reform.

I implore my colleagues from both Chambers to be fair and sincere in our efforts to bring forth a conference report we can stand behind and proudly support.

It will take a lot of hard work and some compromise on both sides but it is so very, very important that we complete what we have begun.

We need to let the American people know that we hear them, we agree with them, and we can respond to their call for action.

We need to show them that we can act in a way designed not to preserve partisan advantage, but to advance the public good.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 2458 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

CAMPAIGN FINANCE REFORM

Mr. BOREN. Madam President, I thank the Chair.

Many of us had the privilege of participating in the work of the greatest deliberative body in the world through the evening hours last night. I had the privilege of going home about 5:30 this morning, having participated in what might be at least euphemistically called a debate which lasted all through the night.

I wondered to myself this morning, when I came back out here after a quick shower and ready to come back

in to the work of the Senate, what the American people must think about what is going on; or, more specifically, how they must be puzzled by what is going on here. They must be scratching their heads. And perhaps their puzzlement, which finally turns to anger when they understand what happens or does not happen as the U.S. Congress, might have something to do with why in the latest polls only 14 percent of the American people say they approved of the way the Congress is conducting its business.

What we have witnessed the last couple of days gives an indication, perhaps, as to why the American people feel this way and why they may not be all wrong to feel this way.

We, of course, have been working on a very important issue for the future of this country and the future of our political system for many, many years—11 years, to be exact—campaign finance reform.

We all know something is wrong drastically wrong with the way we finance campaigns in this country.

When I first ran for the U.S. Senate 16 years ago, on the average it took about $500,000 to $600,000 to successfully win an election to the U.S. Senate. Then it went to $1 million, then it went to $2 million, and then it went to $3 million, and now it is $4 million, which means that, in a 6-year period, the average sitting Senator must figure out how to raise $13,000 every single week on the average for 6 years to come up with that $4 million; which means that you do not have time to really solve the problems of the Nation because you have to worry about how to raise the campaign money; which means that you do not have the opportunity to go back home to your home State and hold town meetings and neighborhood meetings to listen to the people and their real problems, the people you are supposed to work for, because you have to fly around to the money centers of this country, large cities, New York, Los Angeles, and other places, trying to figure out how in the world you are going to raise the money; which means that when you are down to a period of time that is close to the election—and you know because you have seen the statistics that well over 90 percent of the candidates who raise the most money win the election, you are desperate to make sure you keep up with or overcome the amount of fundraising on the other side—when you only have a few minutes to spare and you are deciding which one of those 10 people in your reception room you are going to see and one of them is a PAC manager who can hold a fundraiser to raise $200,000 or $300,000 for you in one single night in a fundraiser in Washington DC, and another one is a student or a farmer or a teacher or a factory worker or small business person from back home, who do you see if you only have time to see one?

Then the American people look at that process and they say—79 percent of them say—Congress does not really care about people like me. Congress does not really represent people like me anymore. Congress represents the special interests instead.

The people are very wise. The people see more than, sometimes, I think, those who have been professional politicians think the people see and understand. Many times officeholders underestimate the intelligence and patriotism of the American people.

Thank God for that, the common sense of the people and their strong sense of commitment to this country, because that is what has kept this country going. That is the real strength of this country. Those of us who are here are simply privileged to be their representatives, to be concerned about them, to represent their points of view, to try to deal with their needs, to try to think about the future.

The people see the effect of a system in which there is no limit—no limit—the sky is the limit on how much money you can raise and spend in campaigns. In some States there will be as much as $20 million or more spent on Senate races this year. And we all know the effect of it.

Last night when I was talking there were several of our pages on the floor, and I reflected on how many times I have given high school commencement addresses and how many times I have said to those students: "I hope someday you will think about being a Congressman or Congresswoman or a Governor or Senator or President of the United States. I hope you will think about running for office. I hope you will serve your community—whether you dream to be President of the United States or a member of the local school board." But I do not have the heart to turn around and say, after I have said, "learn all you can, develop all the good ideas you can develop, be ready to give back, be ready to contribute," I do not have the heart to tell them that in addition to learning as much as they can, preparing themselves as much as they can, being committed to wanting to give back, having the right values, having the right sense of ethics, that they also have to figure out how to raise $4 million if they want to run for the U.S. Senate.

In fact, by the time they are eligible by age to run for the U.S. Senate, at the current rate of increase of campaign spending it will be more like $10 or $12 million they will have to raise in the average-size small State to run for the U.S. Senate. So you not only have to be the right kind of person, you not only have to learn all you can—you have to figure out how you are going to raise that $10 or $12 million, because, after all, it has escalated—a 52-percent increase in this last election cycle over the 2 years before; $678 million being poured into campaigns.

And over half the money, half the people elected to this Congress receive their contributions not from the people back home, not from people who had one thing to do with their home districts or home States. Many of these people probably never even set foot across the State line. But they, over half the people elected here, got over half their contributions from political action committees and groups that had very little or no connection with their home States.

To whom do those political action committees and groups, special interest groups, give their money; the new person who is trying to break into politics, who is running for the first time filled with idealism and a desire to serve? Or do they give to the incumbents, the people who are already here? That is an easy one. Of course they give to the incumbents, those Members of the Congress who are already here. They are already chairing the powerful committees or subcommittees, or they serve as ranking members. They can do something for you. They have power. They have the ability to influence your economic interest.

So in the last election cycle the political action committees gave at the rate of 10 to 1 to incumbents over challengers, $10 to incumbents over $1 they gave to challengers in the last election in the House, and 6 to 1 in the Senate.

Overall, because there are no spending limits—because you can pour money and money and more money from every kind of source imaginable into a campaign, if you are willing to make the promises to every group that might give you the money, incumbents have been able to raise, overall, five times as much as challengers.

So you have a system that is the incumbents' protection plan if there ever was one, the current system. And it cries out for reform. It is eating away at the heart and soul of the political process. It is eating away at the legitimacy of this institution. And it is eating away at the trust that the people have of this institution, when they know—when they know that money more often than not has played a deciding role or a commanding role in the outcome of the elections of people who come here.

And then they know that the time and attention of the Members, the men and women who serve in the House and Senate—too much of their time and attention has to be focused upon raising the money for the next campaign and pleasing those PAC directors and lobbyists and special interest groups and others who provide the volume of the money necessary to win.

So, we have been debating about something of vital importance to the future of this country. And those who have been opposing it have, as always, thrown up a smokescreen. They have used all sorts of phony rhetoric in attacking the proposals which we have

already passed through this Senate earlier on a vote of 60 to 38, having imposed cloture with a vote of 62 to 37.

They have tried to say this is about public financing of campaigns. It is not about public financing. I heard figures tossed around on the floor last night; it made for very dramatic debate. It is very dramatic debate. If you are not constrained by the facts, you can really give interesting speeches. I heard some Members last night say we were trying to pass a bill that would cost the taxpayers $1 billion per election—$1 billion per election—to clean up the way the campaigns are now being run.

What are the facts? First of all, the bill that passed the Senate as it applies to elections to the U.S. Senate was estimated to cost, over a 5-year period—not in one election cycle but over a 5-year period—$23 million, according to the Congressional Budget Office, for the Senate provisions; $23 million, not $1 billion.

The taxpayers are well aware of the fact it seems like a lot of Members of Congress mix up millions and billions and thousands. That is the reason we are so capable in the way we put the budget together up here. We get a little confused. It is a mere Government error, I guess: $1 billion, and $23 million—close, for Government work.

It is not $1 billion; it is $23 million. And is any of it supposed to come from the general taxpayers? Not a penny. There is a provision in the bill passed by the Senate, "No funds required for this act shall come from the general taxpayers."

First of all, we all know that in order to have a bill that will be constitutional—because the Supreme Court, whether we like it or not, said about spending limits, to get spending under control we have to have a voluntary system. We have to give some incentive to Members of Congress in order to allow them to voluntarily accept the spending limits.

The PRESIDING OFFICER. The Senator is advised he has exceeded the 5-minute limit.

Mr. BOREN. Madam President, I ask unanimous consent I might be allowed sufficient time to complete my remarks.

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

Mr. BOREN. Madam President, so, because of the Supreme Court decision, if we are going to have spending limits, which are so flatly needed, if we are going to put limits on the amount of PAC money forthcoming, limits on the amount spent in campaigns, we must offer some incentives. And what are the incentives that we offer?

The incentives that we offer are; one, lower cost television time provided by the stations for those candidates who will accept spending limits. If they are going to take this step for good Government, then they should be able to get their television time at less expense. That does not cost the taxpayers.

The second we provide says that on the advertisements, the citizens have a right to know is this a candidate who accepts spending limits? Or, is this a candidate who wants to raise all the money they can scoop in from whatever interest group they can get it? The people have the right to know that, and we say the people ought to be informed.

Finally, there are some very small incentives for lower postal rates for those candidates who will accept spending limits.

And there is a standby provision that says if the other candidate, your opponent, will not accept spending limits and then they go over the limit and they start spending massive amounts of money, you can get some funds out of a good-Government fund to offset what they are spending.

Where does that money come from? From the general taxpayers? No, it comes from a registration fee on PAC's, a registration fee on lobbyists, a compliance fee, and a registration fee on foreign agents who are coming here to lobby us for the interest of people in other countries.

Now, that is not putting a burden on the American taxpayer. We are making those who are part of the process, who are seeking to influence Congress, pay to cleanup the system. Now, Madam President, I submit, as close as it is for Government work, $23 million is not a billion dollars, and the burden on the taxpayers is not quite the same thing as making the PAC's and foreign agents who are lobbying pay registration fees in order to cleanup our system.

So a minor divergence of the facts, I guess we would have to say, but it sure made for interesting debate to hear talk of billions of dollars being picked out of the taxpayers' pockets.

Well, I have to say, the American people are smart enough to see what has happened here. That is part of it.

And new entitlement for politicians? Picking your pocket for a billion dollars? That is not what is going on. It is a debate about whether or not we are going to put limits on massive amounts of money flowing into campaigns, and whether or not we are going to stop so much of that money coming from the political action committees and have it raised from individual citizens and small contributions back home in reasonable amounts. That is what this is about. The people understand it.

The people also know they are paying through the nose. You talk about what the people are paying. They know that they are paying billions of dollars for the current system. Why? Well, all those special interest groups, all those political action committees that give all that money to campaigns expect something in return.

One Senator once said facetiously, in what was a humorous speech, thanking a group of people in a room together at a $1,000 a plate dinner: "Thank you all for coming. I know you expect good Government. We promise you good Government and a whole lot more." They expect something in return. When you look at the tax loopholes that the average working man and woman in this country cannot take advantage of that are there for others, and when you look at the pork barrel projects that cost hundreds of millions of dollars that serve the interest of those who give to campaigns, a high price is being paid by the American people—a high price—in addition to this fragile loss of trust in this country, something that we must all take to heart.

Let us set aside for a moment exactly the substance of the issue and let us talk about procedurally what happened. We stayed here all night. There was a threat to filibuster the motion. Do you know what the motion we were voting on was, Madam President? The motion was—I hope that some of the American people are watching so I can explain, because they find this place mysterious. So I want to make it rational and logical to the American people as to how we operate here.

We passed this campaign finance reform bill in June of 1993 by an overwhelming bipartisan vote. The House passed a bill, and they passed it in a different version. They allowed more PAC money than we did, and some other things that most of us would say they should not have done. We think our bill is better. The House would probably make the same argument.

We know from reading our civics books and taking American Government courses in high school and college that when the Senate passes a bill in one version, and the House passes another, you have to get together to have a conference committee to work out the differences. That is what is supposed to happen.

Automatically, nearly always automatically, the majority leader will get up and say, "I move that we disagree with the House amendments to our bill, and that we seek a conference with the House and appoint conferees," members of the committee to work out their differences. In my 16 years in the Senate, I have rarely seen that motion debated ever, debated at all. It is an automatic thing. You have two bills; two Houses have to work out the differences.

What has happened is that the opponents of this bill have said, even though it has passed the Senate, even though we had a version pass the House, even though it is so important to the American people, they have said, "No, no; we won't let that happen by unanimous consent." You do it in three

motions. "We are going to filibuster the motion to disagree to the House amendments. We are going to make you file a cloture motion to stop the filibuster. And then, once that is over, we are going to filibuster the next motion, which is a motion to ask for a conference committee, and then we are going to filibuster the next motion which is the motion to appoint conferees."

This is all before the House and Senate can even sit down together and see if we can work out a good piece of legislation.

What happens when you do that? Well, under our rules, they started to filibuster, the majority leader filed cloture, we voted on cloture the day before yesterday. Only two people voted against cloture. Only two Senators, even after the threatened filibuster, voted against cloture.

Then once you get cloture, once 60-plus Members in the Senate say it is time to bring debate to a close, under our rules, you have a right to debate 30 more hours on that, 30 hours, after already deciding we talked about it long enough. We only talked about this subject 11 years. That is when Senator Goldwater and I introduced our bill, 11 years ago. I think the American people know what the debate is about.

Madam President, we stayed here all last night, around the clock, running out 30 hours of debate, and then a minute ago, we voted on the motion to disagree with the House amendments to our bill. And guess what? You would have thought that had been a very close vote. After all, we argued about it for 30 hours; we had to file cloture; there was a filibuster.

Guess what the vote was? Ninety-three to nothing; 93 to 0. Not a single Senator voted against the motion to disagree with the House amendments. Now, does that not make sense to the American people that we stayed here all night long; we had a filibuster lodged against this motion to disagree with the House amendments to our bill; we stayed here for 30 hours tying up the Nation's business, keeping people up all night long, and then it was a unanimous vote? About as clear as mud.

And now they say, "Well, we are going to filibuster the next motion. We are going to make you file cloture on the next motion to request a conference," and I expect we will have 30 more hours of debate then, and that will pass overwhelmingly.

Then they say, "We are going to filibuster again," and then there will be 30 more hours. By the way, you have to put in 2 days before you can vote on the motion to invoke cloture. I have been leaving that out: 30 hours, then 48 hours; 30 hours, then 48 hours.

Madam President, the American people watch all that. By the way, if we go to a conference committee and we work out a bill that would command a majority in both Houses, bipartisan majority, and we come back here, they have a right to filibuster the conference report itself. You file cloture on that, and then you have to wait 2 more days after to vote, then 30 more hours debate on that, all before you can ever get to the bill.

Why, Madam President? Why in the world would this be going on? Is this any way to conduct the people's business? No wonder 14 percent have confidence in us. When you look at what went on the last 24 to 48 hours, I said I think 14 percent is a higher rating than we deserve.

Madam President, it is pretty clear. I suppose some politicians think they can fool the American people. Any American who has ever watched a football game knows what is going on. We are supposed to adjourn for good—the people may be saying "thankfully" by now—on October 7 or October 8. So what is going on here?

Even though they are not going to vote against the motion to disagree with the House amendments, which everybody admits very few disagree with it, even though they are not going to oppose the motion to ask for a conference, or even though they are probably not going to oppose the motion to appoint conferees, they know if you take 30 hours, 48 hours, 30 hours more, 48 hours, 30 hours more, 48 hours more, just because of the procedures that are required, that you can run out the clock.

Anybody that has ever watched a football game knows what it means when a team decides to run out the clock. That is what is going on, Madam President, and they think we are fooling the American people? The American people know that. Then, when the clock has finally run out and we are unable to pass campaign finance reform, something that badly needs to be done in this country, to clean up the political system of this country, to restore the trust of the American people, which we so badly need—that is the first thing you have to do if you are going to work together to solve problems.

We have terrible problems in this country. What are we going to do about health care? How are we going to bring the budget deficits down? What are we going to do about educating and nurturing the next generation of people? Ten percent, 15 percent of children born in the 10 largest cities in this country every year have parents desert those children before they are 2 weeks of age. We have problems, Madam President.

If we are going to work together to solve problems, we have to trust each other. We have to respect each other. We have to stop playing political games. People back home say to me, "Why can't you people just act like Americans. Why can't you get together and be Americans. We don't care whether you are Democrats or Republicans. We are tired of hearing about whether you are a Democrat or a Republican. We are tired of hearing you all act like a bunch of children on the school ground fighting at recess over who's king of the mountain, who can embarrass the other side, who can force votes out here that will embarrass the other side, who can think up a vote that will make a good 30-second spot in the next election. Enough of it."

The people have said to us, "Enough of it. We are sick and tired of that kind of party politics. We want you to do something that solves the problems of this country. We can get together. We can get together in our neighborhood to solve problems. We expect you to be able to get together in the Congress of the United States and solve the problems."

Well, Madam President, I am afraid what is going on here—and I have crossed party lines many, many times, and I do not make accusations very often of a partisan nature, but I think there is a desire to be able to go out and say this Congress has failed on nearly everything. We have failed on many things, but one of the ways you can make sure that we will fail on nearly everything is keep things from even being able to come up for a vote.

Then you can say, "They couldn't act on campaign reform." Why? Was it because the majority of the Congress did not want to be for it? Was it because a majority did not want to cleanup the system, cleanup PAC's, stop runaway spending? A majority wants to do it. It will be because a determined group in the minority in the Congress decided to run out the clock. And then they can say, "Look at that do-nothing Congress that didn't deal with campaign reform, or other pressing issues." By running out the clock, they prevent us from being able to act on matters of great importance to this country.

So I appeal again to my colleagues from the other side of the aisle, as close as I know it is for Government work, let us not confuse $1 billion with $23 million. Let us not call it picking the pockets of the average American taxpayer when we know that all we have ever talked about is some registration fees on PAC's, lobbyists, and foreign agents. Let us not make that confusion any longer. Let us talk about the real issue. Do we think it is good to stop runaway campaign spending or not? Do we think it is good to put limits on what PAC's can pour into campaigns so people will start to get most of their contributions from the people back home instead of the power interest groups here in Washington, DC?

That is the issue. Let us talk about the issue. And then let us have a chance to resolve it once and for all, a chance to resolve it once and for all.

Let us not follow a strategy of just running out the clock to prevent a decision from being made. That is not right. That is letting down the American people. The American people deserve better from us.

I heard my colleague from Vermont speak a moment ago. He happens to be a Republican. I am a Democrat. He talked about what he hoped to see in campaign finance reform, what he hoped to see coming out of an agreement between the House and Senate. He made an excellent speech. I agreed with every single point he made. He wanted to make sure we started emphasizing instate contributions more, and that we had the same limits on what PAC's can give to House Members and Senate Members so we play by the same rules. He wants to make sure we do not convert campaign contributions to personal use. I agree with what he said.

As we have been talking with the leaders on the other side of the Capitol, on the House side, I and the majority leader and others have been working to uphold those very same principles that he spoke about here. He has made an enormous contribution. There are many people who are seeking across party lines to work together here to make something positive happen. I want to express my appreciation to those on the Republican side of the aisle as well as on this side of the aisle who have been working for a constructive solution.

To those who have been using the rules to simply run out the clock, to prevent us from acting on something of this importance, I appeal to them: Change your minds about that. Let us debate the issue. Let us have a chance to make a decision. If you think you are fooling the American people when they turn on their TV sets at 4 o'clock in the morning and they see a filibuster being staged, and they see us debating something, and they see us going on for hours and hours and hours, and then when they see a vote down here of 93 to 0 after all that sound and fury, if we think that we are outsmarting the American people by what is going on here, we are wrong.

Anyone who thinks that is wrong. Anyone who thinks that the American people have not been to a football game and do not know what it means to run out the clock is vastly underestimating the intelligence of the American people. But more importantly, we will be letting down the American people. If the American people lose faith in the Congress of the United States as being a body of men and women who will truly represent them, their thinking, and will truly try to grapple with their needs, and will truly try to prepare to help the next generation, their children and grandchildren, and keep this a great, strong Nation, if they lose their confidence in us, if they lose their confidence in this institution, the Congress of the United States, they will have lost their faith in the fundamental building block of the legitimacy of the whole system.

Have we forgotten that when this country was formed, it was formed on a cry of no taxation without representation—representation, a belief that the system represents us, the people at the grassroots; that the people, that we are really in charge, that we have some ability to effect our own destiny?

Madam President, there is great anger in this country, frustration in this country, cynicism about our Government in this country that has gone beyond the bounds of what is good or healthy for our society.

When are we going to wake up to what this breach of trust and confidence is doing to the heart and soul of this country and to the social fabric of this country?

How long, Madam President, how long are we going to wait to do our duty as trustees of this institution? How long? We have waited too long. We must not wait a day longer. We cannot afford all-night shenanigans. We cannot afford postcloture filibusters. We need to get on with doing the Nation's business and restoring the trust of the people in this institution and in the Government, and restoring their faith that they can make a difference, that they count for something, that their voices will be heard here, and not just the voices of those who have the money to buy a ticket to get into a $1,000 or a $5,000 or a $10,000 campaign fundraising event.

We are the trustees. No one else can pass this bill. If the people could pass it, they would have passed it a long time ago; 86 percent of the American people want spending limits, according to polling data. They cannot vote here. But we were sent here to represent them. We should do our duty as trustees. Until we do, we will have been derelict in our duty, and we will have brought on ourselves the tragic loss of trust of the American people.

Madam President, I hope that my colleagues will ponder these points over the weekend. I hope the procedural delays will stop. I hope those who might have very honest disagreements with me and those who are for this legislation will at least give us the opportunity, without a run-out-the-clock strategy, to see if we can put together—maybe we will fail, but give us the opportunity to at least try to put together—a bill that will be fair. And then I appeal to them, let us have some truth in debating. Let us at least make that correction of $1 billion to $23 million, and make it clear it is not coming from the average American taxpayer. Then perhaps we can talk about the main subject, and that is whether or not we should stop runaway campaign spending.

I thank the Chair and I yield the floor.

Madam President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

THE HEALTH CARE DEBATE

Mr. HARKIN. Madam President, we have spent the better part of a year and three-quarters working together to try to find a solution to the health care crisis that we have in America. For the better part of that year and three-quarters, we have been intensely involved in trying to figure out and to work with one another to reach some kind of a consensus and compromise on this issue.

Certainly, not anyone in this country can say that they have not been involved in this debate. Mrs. Clinton opened the doors over a year ago. She opened the doors to let in everyone, whether it was insurance companies, providers, doctors, hospitals, no matter. Everyone had their input in this process. No one can say that they were left out.

Out of this process, the President and the administration fashioned a bill and sent it down to the Congress, as is their prerogative. It was a broad, comprehensive bill—very broad and very comprehensive. I supported that bill. I did not probably support every little bit of it. I would have supported some amendments to it to fashion it differently. But on the general concepts I supported it. After several months it looked as though that bill was not going to go anywhere.

Then our leader, Senator MITCHELL, introduced his bill, again after having worked with many people over long weeks and months of time on a scaled-down version, if you will, of the Clinton proposal. That bill was offered here on the Senate floor. We began debate on it in early August, before we recessed in August. It became clear that our friends on the other side of the aisle, the Republicans, decided that they were going to stretch this thing out, that we were not going to have any meaningful votes on Senator MITCHELL's health care bill. That was the situation we found when we went up to the August recess.

Majority Leader MITCHELL said he was going to keep us here until we had some action, until we got something done on health care. Well, it was obvious that after chewing up about 7 or 10 days of the August break that the Republicans simply were just going to

talk it to death. They were going to offer amendments, talk on and on, and drag the whole process out and never reach any real, meaningful votes on Senator MITCHELL's bill.

After the August break—we came back almost 2 weeks ago now—there was an effort by a group of Democrats and Republicans to put together a bill they fashioned as the mainstream or rump group, or whatever you want to call it. And now it appears that that, too, cannot fly. Again, perhaps it is a little bit too big and it covers too many things that are a little too contentious here.

So we now find ourselves, at this point in time, having started with the broad concept, the broad Clinton approach to health care reform, and that was not acceptable. Then we had the scaled-down majority leader's bill, and that was not acceptable. We now have a scaled-down version of the mainstream group, and that is not acceptable either. Recent reports indicate that we are about to pull the plug on health care reform for this year.

It is interesting what some Members on the other side are saying. I do not know precisely what some of those words are. I can only report them as they were reported in the newspapers. The Senator from Oregon, Senator PACKWOOD, is reported as saying, "Now that we have killed health care reform, we just cannot leave our fingerprints on it." I am only repeating what I read in the newspaper as a direct quote. The newspaper went on to say that when Mr. PACKWOOD was asked about that later on, he said he did not remember what he said. He said, "I cannot remember from one day to the next what I said on it." That is just what I am reporting was said in the newspaper.

The leader of the Republican Campaign Committee, Senator GRAMM, has said, "Do not blame us, blame them"—meaning the Democrats—"for killing health care reform." Now he is playing the blame game and saying, "Well, the Democrats are to blame, and Clinton is to blame because we do not have health care reform." That is a most disingenuous argument, if I have ever heard one in my life, when the facts are entirely the opposite.

So we find ourselves coming to the close of this Congress, having spent a great deal of time and effort trying to get some health care reform through. I believe the American people are confused. There have been at least $140 million spent by special interests to confuse the American people. So while they do not understand what the broad concepts, perhaps, of a broad bill might be, the American people still want us to do something about health care. The bills are still too high. People still lack coverage. People lose their jobs and they lose their health care.

I had an individual in Iowa last weekend hand me a summary of their health care bills for her husband who had heart problems. The bill, for 8 days, was $54,000—for 8 days, not including $9,000 more in doctor bills. She handed me all of the receipts. If you walk through those, you begin to see why our health care bills are so high—three aspirins for $3.70, and things like that on the bill.

So the problems that were out there before are still there. The people that lacked coverage still lack coverage. But most important of all, Madam President, the most vulnerable in our society, who really needed this health care reform bill, who need something to give them coverage, and they have no voice, they have no vote, they have no money with which to try to influence campaigns, and we have forgotten about them, I am speaking about our children in America.

One-fourth of the Americans who do not have health care coverage are children. They are the most vulnerable in our society. They are the ones most apt—if they have an illness, or a disease, or injury—to have permanent disabilities, permanent repercussions from such illnesses or diseases, illnesses or diseases that may affect them for the remainder of their natural lives. Yet, we know that covering children is the cheapest thing we can do. We know it from an insurance standpoint. Insurance policies for children are cheaper than for adults. And whatever money is spent on insuring kids—and especially giving them preventive health care—is going to pay us back tenfold or one-hundredfold in the future. We know these things.

That is why about a month and a half ago, I joined with other Senators in trying to devise yet another scaled-down package for health care reform this year. Forget about purchasing cooperatives. Forget about all of the so-called reforms. Forget about all of the things that are very contentious. Strip it down and let us cover our kids. We provided three things. We wanted to do three things for three of the most vulnerable in our society in terms of health care—first, cover kids; and, second, provide a capped, home and community-based, long-term care for the elderly and disabled; third, to provide 100 percent deductibility for the self-employed so they can buy health insurance and deduct it just like the big businesses can do.

That is not asking very much. It is very small, very scaled down, and it is the cheapest plan of all. It comes in at about $130 billion less than the so-called mainstream proposal. Yet, now I am told that we cannot even bring this out, that there would not be any support for that because the Republicans would filibuster that, they would hold that up, and that Mr. GINGRICH has said they are going to stop any health care bill coming through.

So while I have refrained from thus far getting involved in the blame game and who is to blame, because I have always remained optimistic and hopeful that we can get something through—maybe not as much as we wanted, but at least something that would be a downpayment on health care reform—I thought surely when you talked about just covering kids and about providing deductibility for the self-employed, and a small home and community-based long-term care program, that surely no one could object to this. It would be done through the private sector, so the insurance companies would not object. They would just have to come up with a separate kids' policy. That is no problem. Certainly the business sector could not object to 100 percent deductibility for the self-employed. We do not have employer mandates or anything like that in there. And certainly those who might be opposed in any way to opening up new entitlements could not be opposed to a capped program of long-term care for the elderly and sick. So we wanted to bring this out.

I have worked with a number of Senators, including Senator WOFFORD from Pennsylvania, who has worked very hard on this, and Senator ROCKEFELLER, Senator LEVIN, and others. We have spent a lot of time on this.

I am hopeful that at least we can get a vote on covering our kids. But now I am told the Republicans would not even let us vote on that. That is what we are now up against. We are up against the leader of the Republican Senate Campaign Committee, and Mr. GRAMM of Texas who is saying, "Blame them, not us," After all they have done to slow down, stop, and stymie our efforts in health care reform, I ask could we have a meeting of the minds and we can all agree on one thing—let us cover our kids. If they will not even do that, then I think it is clear to the American people who has the keys to gridlock here in Washington; it is the Republicans who hold the keys to gridlock.

That lock is firmly on that door and behind that door is health care coverage for the children of America. Behind that locked door is 100 percent deductibility for self-employed. Behind that locked door is some long-term care for our elderly and disabled.

My friends on the other side of the aisle have the key to that padlock. They can choose to keep the lock on the door. And as I understand it, that is what they have chosen to do although I would wish and would hope with all of my heart that they would unlock that lock, that they would take that key and unlock it and open the door.

But they will not even do that. So now we go out of this Congress with no health care reform at all, without anything to help working Americans. And that is exactly what our bill is designed to do, to help working Americans. Obviously with Medicaid, if you are poor your kids are covered because

you have Medicaid coverage. And obviously if you are well to do, or if you have a good job and you have a policy that your employer has for you, then your kids are probably covered. But if you are anywhere in between, if you are just above the poverty line, if you are working at a job that is just above the minimum wage, you are a single parent with a couple of children, you are trying to break out of welfare, you are trying to make it, you do not have any health care coverage for your kids.

Somewhere between 9 million and 11 million kids in this country do not have any health care coverage, and they are not children in poverty, they have Medicaid; they are not the children of Senators and Congressmen, we have full health care coverage.

It is the children of the working poor, people who are out there struggling day after day to make ends meet, they are the ones who do not have health care coverage for their kids. And that is who we are attempting to get covered, and the Republicans say no, we will not do that. We will not take the keys that we hold to gridlock and unlock that padlock and open the door and let these kids have some health care coverage.

I think it will become clear to the American people, to the hard-working people of America, just who it is that is keeping that door locked. Not us, we want to bring it out. Those on the other side of the aisle who have decided for whatever reason, and I question no one's motives, but for whatever reason they may have, will not even let us cover the kids of America.

Madam President, I have served in the Congress now for 20 years. I have seen a lot of fights in the House and in the Senate, some pretty tough ones; I have seen some pretty tough debates and pretty tough issues. I have been involved in a few myself. I have seen heated debates with tempers flaring and you would swear that the two antagonists or protagonists would never speak again, and then the next day you find you are just as friendly as you were before.

But in my 20 years in this Congress I have never seen anything like exists today. This attitude of gridlock, of stopping everything, the cynicism, the attitude that nothing can get through here because it might make President Clinton look good, that we have to stop things because perhaps the only way to take over is to tear it down. As Mr. GINGRICH said some 15 years ago, the only way we are going to take over is to tear it down. I see a tearing down, a tearing down of the structure of Congress.

No, I have never seen anything like this in 20 years; the sort of the mean spiritedness, the antagonisms, the inability to give either side their proper due and to let legislation move. There is nothing wrong with people to want to amend and change, everyone should have their viewpoint and they should be heard. When it gets to the point where people just adamantly block everything, then surely this Senate and this Congress has become something that our forefathers never envisioned.

I do not mean to get off on this, but something has to be done about these filibuster rules. If something is not done, then I am afraid this body, the Senate, of which I have been a Member now for 10 years, will just simply become irrelevant, will be a debating society. We get up and give fiery speeches like I am talking here, but nothing ever gets done. It might make us feel good and vent our frustrations perhaps. I am venting a few right now myself on a Friday afternoon with nobody else in the Chamber.

But this is not what our forefathers envisioned. They envisioned a legislative body that, yes, would debate and discuss and amend, but would do something and get something through. We now have a situation where the minority side will not permit that to happen.

So Madam President, I digressed a little bit, but the main point of what I wanted to say here today was that as this Congress draws to a close—we have 2 more weeks as I understand it—let us do something good. Let us do something that will permit all of us to hold our heads high, whether Republicans or Democrats, liberals or conservatives or whatever.

Let us bring up a measure that will at least insure the children of America and give them the health care that they need. If we cannot even do that, then God help us all. I am still hopeful that in the next 2 weeks those of good will around here will still work to try to at least get that through, make a downpayment on future health care reform, but at least cover the kids of America.

If we do not, it will not be those of us who tried to do something. We tried to get a bigger package through, not acceptable. We tried to get a slimmed down package through, not acceptable. Now we are down to kids. If that is not even acceptable to the Republicans, then I think it is clear to the American people that it is the Republicans who will not let us have any measure of health care reform in this country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Massachusetts is recognized.

THE CREW OF THE HH-60J 6018 AIRCREW

Mr. KERRY. Mr. President, I want to pay tribute to the aircrew of Coast Guard Jayhawk Helicopter No. 6018 stationed on Cape Cod, MA. I would like to thank the brave men and women of this aircrew for their extraordinary actions to help save the life of Richard Picard of New Bedford, MA, on November 5, 1993.

Mr. Picard had been critically injured in a fishing boat accident 150 nautical miles east of Cape Cod. The Coast Guard called for helicopter No. 6018 to medevac the injured man to the hospital.

Because of the distance offshore, the helicopter had to add a 120-gallon external fuel tank. Despite terrible weather conditions which included thunderstorms and winds reaching 50 to 60 knots, the Jayhawk aircrew rescued Mr. Picard from the wildly pitching fishing boat and rushed him to the hospital.

Because of their bravery, the Coast Guard has selected the crew of the Jayhawk Helicopter No. 6018 for the Coast Guard Foundation Award. I believe that this award has been richly earned. I would like to express my thanks, appreciation to and my admiration for the aircrew for saving the life of Richard Picard that stormy night. I believe the fishermen of Massachusetts feel safer knowing that the Coast Guard and these fine men and women are serving and protecting our country and its citizens.

PAUL PATRICK DALEY

Mr. PRESSLER. Mr. President, on Saturday, September 24, Capt. Paul Patrick Daley will retire from the U.S. Navy during a ceremony aboard *Old Ironsides* at the Boston Navy Yard.

I met Paul Daley when we attended law school together at Harvard. Paul was born and raised in the Boston area and received his undergraduate degree from Boston College. I was fascinated to meet him. Not only did he talk like a Boston Irishman, but he was truly a son of Ireland. I was pleased to have gotten to know his parents, whom I believe were from Ireland.

In 1963, Paul made a decision which would make the Navy a part of his life for the next 31 years. He entered the Navy through Aviation Officer Candidate School at Pensacola, FL. He earned his wings with Fighter Squadron 121 at Miramar Naval Air Station, CA.

From 1965 through 1967, Paul made two combat tours to Vietnam with Fighter Squadron 96, the world-famous Fighting Falcon, aboard the U.S.S. *Enterprise*. During this period, he flew 212 combat missions in Vietnam for which he was awarded the Distinguished Flying Cross, the Vietnamese Air Gallantry Cross, 16 Air Medals, the Navy

Commendation Medal with Combat V, Vietnam Service Medal and the Navy Unit Commendation.

Apart from the rigors of law school, Paul and I shared a common bond of service as Lieutenants in Vietnam, although my service was in the Army and my experiences far more tame. At Harvard, both of us belonged to Lincoln's Inn, and we frequently ate lunch together. We also would appear occasionally on the social scene together. Paul would always have better luck with the girls with his stories of flying bomber missions over North Vietnam. On one occasion, he pulled out some film and showed actual footage of one of his Vietnam bombing missions to a group of young ladies which, of course, was the ultimate ace. I would hesitate to relate any of my Vietnam experiences in Paul's presence because they did not involve the equivalent element of risk. In fact, as some of my colleagues in the Senate have heard me say before, among the most dangerous weapons I was entrusted with in Vietnam was the occasional Jeep.

After Vietnam, Paul taught Naval History for 2 years as an assistant professor at Yale University, during which time he also served on the Commander of the Sixth Fleet's staff aboard the U.S.S. *Little Rock* in the Mediterranean.

In 1969, Paul left active duty and was assigned to the Naval Air Reserves at Naval Air Station South Weymouth. He has served as Commanding Officer of the U.S.S. *John F. Kennedy*, the NS *ROTA* on two occasions, and in 1991 assumed command of the VTU-9191. Not one to be satisfied with excelling only in Naval service, Paul received his parachutist wings from the Army Airborne School at Fort Benning, GA.

Paul Patrick Daley has also been successful in civilian life. After graduating in 1973 with a J.D. from Harvard Law and an M.B.A. from Harvard Business School, Paul joined the prestigious Boston law firm, Hale and Dorr. He is now senior partner of the firm and is chairman of Hale and Dorr's Bankruptcy and Commercial Department as well as a member of the Corporate and Litigation Departments. He has been named in every edition of Naifeh and Smith's "Best Lawyers in America" for his bankruptcy and commercial law expertise.

Captain Daley made a wise choice when he decided to marry his lovely wife Barbara who, with their son Patrick, live in Waban, MA. He is a trustee of the Massachusetts School of Professional Psychology and was formerly a director of the American Sail Training Association and a trustee of St. Sebastian's Country Day School.

I have enjoyed Paul Daley's friendship for 25 years. He has accomplished much in his life, both as a naval officer and as a civilian. While his naval career will come to an official end on September 24, I know the U.S. Navy will always be close to his heart.

Let me declare here today on the floor of the U.S. Senate: Paul Patrick Daley is a great American; a great patriot; and, a dear friend.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, as of the close of business on Thursday, September 22, the Federal debt stood at $4,666,416,745,637.56, meaning that on a per capita basis, every man, woman, and child in America owes $17,898.81 as his or her share of that debt.

HOLLINGS-DANFORTH TELECOMMUNICATIONS BILL (S. 1822)

Mr. DOLE. Mr. President, it is unfortunate that Senator HOLLINGS declared the telecommunications issue dead for this year. Many of my colleagues know that in the recent weeks both my staff and Senator HOLLINGS' staff have tried to iron out many contentious issues. Yesterday, we presented Senator HOLLINGS' staff with a specific proposal to make the bill less regulatory and more market-based. Although we did not hear back before Senator HOLLINGS made his announcement, it is now apparent that those talks have failed.

It seems to me that S. 1822's major problems included its approach to universal service, its excessive regulation, its protectionist domestic content provisions, and its outlandish, if not unconstitutional, 5 percent set-aside requirements. And these were only a handful of the problems. With so little time, these issues needed to be resolved before the bill reached the floor.

Opposition to S. 1822 grew for many reasons. It increased local phone bills, government regulation, and stifled innovation. It was opposed by major national groups that included the National Governors Association, U.S. Conference of Mayors, National League of Mayors, and by many industry groups. With so little time, and over 250 differences between the House and Senate bills, it would have been a major feat to enact this legislation this year.

No doubt about it, this is an important issue. The communications industry is one of our Nation's fastest growing and most vibrant industries. The best thing we could do for it is to adopt policies that allow competition, not government, to regulate it.

With that said, it is clear that the status quo is no longer acceptable. Of course, I have thought that for nearly a decade. Congress must assert its authority, and quickly, to resolve this issue. I am confident that a strong bipartisan proposal can be crafted and enacted into law early next year.

MORE MISTAKES ON BOSNIA

Mr. DECONCINI. Mr. President, on July 6, the five-nation contact group drew up a peace settlement plan for Bosnia and Herzegovina. While it was widely viewed as rewarding Serb aggression, it was at least offered to those engaged in the conflict on a take-it-or-leave-it basis, with a 2-week deadline for a clear response, and consequences suggested to those rejecting it. The Bosnians accepted the plan on time and unconditionally. The Bosnian Serbs effectively said "no," and subsequent attacks on U.N. personnel and the massive ethnic cleansing of non-Serbs in northeastern Bosnia have served as an exclamation point to that response. This crime against humanity is continuing as I speak.

The outcome of all of this? The July 6 plan is left open to the Serb militants to accept at their leisure. The arms embargo illegally imposed on legitimate Bosnian forces has not been lifted. The siege of Sarajevo has resumed, and utilities have been cut off for several days. Rather than take the action necessary to compel compliance with U.N. resolutions, however, U.N. Commander Rose has instead become enraged over Bosnian attempts to break the Serb stranglehold on the capital city, and has threatened airstrikes against Bosnian forces. Meanwhile, a United States general, Wesley Clark, recently held military-to-military talks with Ratko Mladic, the leader of the illegitimate, rogue Serb forces responsible for this siege. General Clark went as far as to exchange military caps and accept gifts from this war criminal.

The only consequence of Serb rejection of the July 6 plan was an agreement by contact group foreign ministers to tighten sanctions on the federation of Serbia and Montenegro. But now we are not even going to do that. Differences between Milosevic and Karadzic have shifted international attention away from tightening sanctions and toward isolating the Bosnian Serbs by rewarding Serbia. Once again, we are taking our Bosnia policy further and further into the realm of the surreal.

The contact group countries are willing to ease sanctions on Serbia if it cuts supplies to the Bosnian Serb militants. They have insisted on monitoring the border, but agreed to Serbian terms on the number and character of the monitors. Only 135 nonmilitary monitors will cover a 375-mile border with authority only to observe if a cross-border military supply exists, and not to stop it if it does. Lord Owen, the European envoy, admitted that he does not want to see these monitors be terribly visible. The Bosnian Vice President remarked that the effort is "like having 100 police officers to control New York City." Last week, the commander of the Bosnian Armed Forces also told me this will not work. He is probably right. There are reports that helicopters violating the no-fly

zone may be a new delivery route, and pontoon bridges are reportedly being built as well.

There also seems to have been no attempt in this effort to get CSCE monitors back into Kosovo, Sandzak, or Vojvodina, or to get a commitment from Belgrade to cooperate with the international war crimes tribunal, as Representative TOM SAWYER of Ohio has recently suggested.

When news of this latest policy shift came out, I must admit that I was not shocked. In fact, given past performance, I almost expected it. But it really is objectionable that the administration argues the advantages of solidarity among the contact group countries, and then caves in to the Russian, British, and French time after time for the sake of maintaining that solidarity. They agreed on consequences for rejecting the plan, so where was the concern of these countries for contact group unity when they changed their minds? Once again, where is U.S. leadership on this issue?

Finally, it is important to note that this intra-Serb squabbling, which has done more to derail the international approach than to stop the war, only became manifest when the international community appeared to have some resolve, at least on the sanctions issue. Given the gaping holes in this monitoring effort, I would suggest that, if we really want to deny the Bosnian Serbs their supplies, we should take out their supply lines and supply depots with punitive airstrikes. As the Bosnian people prepare to enter their third winter of war, it would be the most humanitarian action we could take. All we need is the resolve to carry it out.

TRIBUTE TO FRANK FERNANDEZ, DEA AGENT: OPERATION SNOWCAP

Mr. D'AMATO. Mr. President, I rise today to commemorate the life of DEA Special Agent Frank Fernandez. Agent Fernandez was killed in the line of duty on August 27, 1994, while leading a highly specialized team of DEA agents into the jungles of Peru. The DEA plane carrying Frank and four other agents crashed while traveling from Santa Lucia, Peru under "Operation Snowcap". This intensely dangerous mission was necessary to dismantle cocaine trafficking organizations and their operations in Latin America.

Special Agent Fernandez was born and raised by his mother in a Brooklyn, NY, apartment. A graduate of John Jay College of Criminal Justice in New York, Frank began his Federal service on September 21, 1980, as a DEA agent assigned to the New York division. Frank moved up in the organization as a result of his dedication, hard work, and his intent drive to take down the international drug trade market.

Frank will be remembered as a leader in the fight against the murderous drug lords worldwide. The fact that to the end he fought to rid our world of the poison peddled by those callous murders, is a testament to his dedication and honor. He will be sorely missed. On behalf of all Americans, I offer my sincere condolences to the family and friends of Frank. This loss was one for all of us.

LOBBYING REFORM

Mr. LEVIN. Mr. President, my Governmental Affairs Subcommittee staff has responded to some inquiries about the so-called Levin-Bryant proposal that Congressman BRYANT and I are making to the House-Senate conference which is considering lobbying reform. My staff has also made available a summary of the proposal.

I ask unanimous consent that the summary of that proposal and the proposal itself be printed in the RECORD.

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

S. —

TITLE I—LOBBYING DISCLOSURE

SECTION 101. SHORT TITLE.

This title may be cited as the "Lobbying Disclosure Act of 1994."

SEC. 102. FINDINGS.

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decision making process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

SEC. 103. DEFINITIONS.

As used in this title:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employees or retains other persons to conduct lobbying activities, the client is—

(A) the coalition or association and not its individual members when the lobbying activities are conducted on behalf of its membership and financed by the coalition's or association's dues and assessments; or

(B) an individual member or members, when the lobbying activities are conducted on behalf of, and financed separately by, 1 or more individual members and not by the coalition's or association's dues and assessments.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or executive order;

(E) any officer or employee serving in a Senior Executive Service position, as defined in section 3132(a)(2) of title 5, United States Code;

(F) any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37, United States Code; and

(G) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) DIRECTOR.—The term "Director" means the Director of the Office of Lobbying Registration and Public Disclosure.

(6) EMPLOYEE.—The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(7) FOREIGN ENTITY.—The term "foreign entity" means a foreign principle (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(8) GRASSROOTS LOBBYING COMMUNICATIONS.—The term "grassroots lobbying communications" means—

(A) any communication that attempts to influence a matter described in clause (i), (ii), (iii), or (iv) of section 103(10)(A) through an attempt to affect the opinions of the general public or any segment thereof;

(B) any communication between an organization and any bona fide member of such organization to directly encourage such member to make a communication to a covered executive branch official or a covered legislative branch official with regard to a matter described in clause (i), (ii), (iii), or (iv) of section 103(10(A); and

(C) any communication between an organization and any bona fide member of such organization to directly encourage such member to urge persons other than members to communicate as provided in either subparagraph (A) or subparagraph (B).

(9) LOBBYING ACTIVITIES.—

(A) DEFINITION.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others. Except as provided in subparagraph (B), lobbying activities also include grassroots lobbying communications to the extent that such communications are made in support of a lobbying contact. A communication in support of a lobbying contact is a lobbying activity even if the communication is excluded from the definition of "lobbying contact" under paragraph (10)(B).

(B) RELIGIOUS ORGANIZATIONS.—Lobbying activities do not include grass roots lobbying communications by churches, their integrated auxiliaries, conventions or associations of churches, and religious orders that are exempt from filing Federal income tax returns under paragraph (2)(A)(i) or (2)(A)(iii) of section 6033(a) of the Internal Revenue Code of 1986, unless such communications are made by an other registrant or any person or entity required to be identified under section 104(b)(5).

(10) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license), except that this clause does not include communications that are made to any covered executive branch official—

(I) who is serving in a Senior Executive Service position described in paragraph (3)(E); or

(II) who is a member of the uniformed services whose pay grade is lower than O–9 under section 201 of title 37, United States Code,

in the agency responsible for taking such administrative or executive action; or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is widely distributed to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to a written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis.

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a),

if the communication constitutes the free exercise of religion or is for the purpose of protecting the right to the free exercise of religion; and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act; and

(II) the Securities and Exchange Commission,

relating to the regulatory responsibilities of such organization under that Act.

(11) LOBBYING FIRM.—The term "lobbying firm" means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(12) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include one or more lobbying contracts, other than an individual whose lobbying activities constitute less than 10 percent of the time engaged in the services provided by such individual to that client.

(13) MEDIA ORGANIZATION.—The term "media organization" means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(14) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(15) ORGANIZATION.—The term "organization" means a person or entity other than an individual.

(16) PERSON OR ENTITY.—The term "person or entity" means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(17) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j)), including any affiliate of such an agency; or

(v) any agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(18) STATE.—The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 104. REGISTRATION OF LOBBYISTS.

(a) REGISTRATION.—

(1) GENERAL RULE.—No later than 30 days after a lobbyist first makes a lobbying contact or is employed or retained to make a

lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Office of Lobbying Registration and Public Disclosure.

(2) EMPLOYER FILING.—Any organization that has 1 or more employees who are lobbyists shall file a single registration under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

(3) EXEMPTION.—

(A) GENERAL RULE.—Notwithstanding paragraphs (1) and (2), a person or entity whose—

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed $2,500; or

(ii) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed $5,000,

(as estimated under section 105) in the semiannual period described in section 105(a) during which the registration would be made is not required to register under subsection (a) with respect to such client.

(B) ADJUSTMENT.—The dollar amounts in subparagraphs (A) shall be adjusted—

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since the date of enactment of this title; and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period,

rounded to the nearest $500.

(b) CONTENTS OF REGISTRATION.—Each registration under this section shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

(A) contributes more than $5,000 toward the lobbying activities of the registrant in a semiannual period described in section 105(a); and

(B) participates significantly in the planning, supervision, or control of such lobbying activities;

(4) the name, address, principal place of business, amount of any contribution of more than $5,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;

(5) the name, address, and principal place of business of any person or entity retained by the registrant to conduct grassroots lobbying communications on behalf of the registrant or the client (other than an employee of the registrant or a person or entity that is separately registered under this title in connection with such representation);

(6) a statement of—

(A) the general issue ares in which the registrant expects to engage in lobbying activities on behalf of the client; and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(7) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee first acted (after the date of enactment of this Act) as a lobbyist on behalf of the client, the position in which such employee served.

(c) GUIDELINES FOR REGISTRATION.—

(1) MULTIPLE CLIENTS.—In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

(2) MULTIPLE CONTACTS.—A registrant who makes more than 1 lobbying contact for the same client shall file a single registration covering all such lobbying contacts.

(d) TERMINATION OF REGISTRATION.—A registrant who after registration—

(1) is no longer employed or retained by a client to conduct lobbying activities, and

(2) does not anticipate any additional lobbying activities for such client,

may so notify the Director and terminate its registration.

SEC. 105. REPORTS BY REGISTERED LOBBYISTS.

(a) SEMIANNUAL REPORT.—

(1) IN GENERAL.—No later than 30 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 104, each registrant shall file a report with the Office of Lobbying Registration and Public Disclosure on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(2) EXEMPTION.—

(A) GENERAL RULE.—Any registrant whose—

(i) total income for a particular client for matters that are related to lobbying activities on behalf of that client (in the case of a lobbying firm), does not exceed and is not expected to exceed $2,500; or

(ii) total expenses in connection with lobbying activities (in the case of a registrant whose employees engage in lobbying activities on its own behalf) do not exceed and are not expected to exceed $5,000,

in a semiannual period (as estimated under paragraph (3) or (4) of subsection (b) or paragraph (4) of subsection (c), as applicable) is deemed to be inactive during such period and may comply with the reporting requirements of this section by so notifying the Director in such form as the Director may prescribe.

(B) ADJUSTMENT.—The dollar amounts in subparagraph (A) shall be adjusted as provided in section 104(a)(3)(B).

(b) CONTENTS OF REPORT.—Each semiannual report filed under subsection (a) shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific regulatory actions, programs, projects, contracts, grants and loans;

(B) a statement of the Houses and committees of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client;

(D) a description of the interest, if any, of any foreign entity identified under section 104(b)(4) in the specific issues listed under subparagraph (A); and

(E) a list of the specific issues on which any person or entity required to be identified under section 104(b)(5) has engaged in grass roots lobbying communications on behalf of the client;

(3) in the case of a lobbying firm, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities;

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period;

(5) the name, address, and principal place of business of any person or entity other than the client who paid the registrant to lobby on behalf of the client; and

(6) a good faith estimate of the total expenses that the registrant and its employees incurred in connection with grass roots lobbying communications on behalf of the client (including any amount paid, in connection with such communications, to a person or entity required to be identified under section 104(b)(5)).

(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

(1) $100,000 or less.—Income or expenses of $100,000 or less shall be estimated in accordance with the following categories:

(A) $100,000 or less.

(B) More than $10,000 but not more than $20,000.

(C) More than $20,000 but not more than $50,000.

(D) More than $50,000 but not more than $100,000.

(2) MORE THAN $100,000 BUT NOT MORE THAN $500,000.—Income or expenses in excess of $100,000 but not more than $500,000 shall be estimated and rounded to the nearest $50,000.

(3) MORE THAN $500,000.—Income or expenses in excess of $500,000 shall be estimated and rounded to the nearest $100,000.

(4) ESTIMATES BASED ON TAX REPORTING SYSTEM.—In the case of any registrant that is required to report and does report lobbying expenditures as required by section 6033(b)(8) of the Internal Revenue Code of 1986, regulations prescribed under section 107 shall provide that the registrant may make a good faith estimate of applicable amounts that would be required to be disclosed under such section of the Internal Revenue Code of 1986 for the applicable semiannual period (by

category of dollar value) to meet the requirements of subsections (b)(4) and (b)(6), if each time the registrant makes such an estimate, the registrant informs the Director that the registrant is making such an estimate.

(5) CONSTRUCTION.—In estimating total income or expenses under this section, a registrant is not required to include—

(A) the value of contributed services for which no payment is made; or

(B) the expenses for services provided by an independent contractor of the registrant who is separately registered under this title.

(d) CONTACTS.—

(1) CONTACTS WITH COMMITTEES.—For purposes of subsection (b)(2), any contact with a member of a committee of Congress, an employee of a committee of Congress, or an employee of a member of a committee of Congress regarding a matter within the jurisdiction of such committee shall be considered to be a contact with the committee.

(2) CONTACTS WITH HOUSE OF CONGRESS.—For purposes of subsection (b)(2), any contact with a Member of Congress or an employee of a Member of Congress regarding a matter that is not within the jurisdiction of a committee of Congress of which that Member is a member shall be considered to be a contact with the House of Congress of that Member.

(3) CONTACTS WITH FEDERAL AGENCIES.—For purposes of subsection (b)(2), any contact with a covered executive branch official shall be considered to be a contact with the Federal agency that employs that official, except that a contact with a covered executive branch official who is detailed to another Federal agency or to the Congress shall be considered to be a contact with the Federal agency or with the committee of Congress or House of Congress to which the official is detailed.

(e) EXTENSION FOR FILING.—The Director may grant an extension of not more than 30 days for the filing of any report under this section, upon the request of the registrant, for good cause shown.

SEC. 106. PROHIBITION ON GIFTS BY LOBBYISTS, LOBBYING FIRMS, AND AGENTS OF FOREIGN PRINCIPALS.

(a) IN GENERAL.—

(1) PROHIBITION.—No lobbyist or lobbying firm registered under this title and no agent of a foreign principal registered under the Foreign Agents Registration Act may provide a gift, directly or indirectly, to any covered legislative branch official.

(2) DEFINITION.—For purposes of this section—

(A) the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value and such term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred; and

(B) a gift to the spouse or dependent of a covered legislative branch official (or a gift to any other individual based on that individual's relationship with the covered legislative branch official) shall be considered a gift to the covered legislative branch official if it is given with the knowledge and acquiescence of the covered legislative branch official and is given because of the official position of the covered legislative branch official.

(b) GIFTS.—The prohibition in subsection (a) includes the following:

(1) Anything provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client or firm of such lobbyist or foreign agent.

(2) Anything provided by a lobbyist, a lobbying firm, or a foreign agent to an entity that is maintained or controlled by a covered legislative branch official.

(3) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent on the basis of a designation, recommendation, or other specification of a covered legislative branch official (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

(4) A contribution or other payment by a lobbyist, a lobbying firm, or a foreign agent to a legal expense fund established for the benefit of a covered legislative branch official or a covered executive branch official.

(5) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent in lieu of an honorarium to a covered legislative branch official.

(6) A financial contribution or expenditure made by a lobbyist, a lobbying firm, or a foreign agent relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of covered legislative branch officials.

(c) NOT GIFTS.—The following are not gifts subject to the prohibition in subsection (a):

(1) Anything for which the recipient pays the market value, or does not use and promptly returns to the donor.

(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(3) Food or refreshments of nominal value offered other than as part of a meal.

(4) Benefits resulting from the business, employment, or other outside activities of the spouse of a covered legislative branch official, if such benefits are customarily provided to others in similar circumstances.

(5) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(6) Informational materials that are sent to the office of a covered legislative branch official in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

(d) GIFTS GIVEN FOR A NONBUSINESS PURPOSE AND MOTIVATED BY FAMILY RELATIONSHIP OR CLOSE PERSONAL FRIENDSHIP.—

(1) IN GENERAL.—A gift given by an individual under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the position of the covered legislative branch official shall not be subject to the prohibition in subsection (a).

(2) NONBUSINESS PURPOSE.—A gift shall not be considered to be given for a nonbusiness purpose if the individual giving the gift seeks—

(A) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

(B) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or foreign agent.

(3) FAMILY RELATIONSHIP OR CLOSE PERSONAL FRIENDSHIP.—In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

(A) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

(B) Whether the gift was purchased by the individual who gave the item.

(C) Whether the individual who gave the gift also at the same time gave the same or similar gifts to other covered legislative branch officials.

SEC. 107. OFFICE OF LOBBYING REGISTRATION AND PUBLIC DISCLOSURE.

(a) ESTABLISHMENT AND DIRECTOR.—

(1) ESTABLISHMENT.—There is established an executive agency to be known as the Office of Lobbying Registration and Public Disclosure.

(2) DIRECTOR.—(A) The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) The Director shall be an individual who, by demonstrated ability, background, training, and experience, is qualified to carry out the functions of the position. The term of service of the Director shall be 5 years.

(C) Section 5316 of title 5, United States Code, is amended by adding at the end the following: "Director of the Office of Lobbying Registration and Public Disclosure".

(b) ADMINISTRATIVE POWERS.—The Director may—

(1) appoint officers and employees, including attorneys, in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code, define their duties and responsibilities, and direct and supervise their activities;

(2) contract for financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) with the General Services Administration, or such Federal agency as the Director determines appropriate, for which payment shall be made in advance or by reimbursement from funds of the Office in such amounts as may be agreed upon by the Director and the head of the agency providing such services, but the contract authority under this paragraph shall be effective for any fiscal year only to the extent that appropriations are available for that purpose;

(3) request the head of any Federal department or agency (who is hereby so authorized) to detail to temporary duties with the Office such personnel within the agency head's administrative jurisdiction as the Office may need for carrying out its functions under this title, with our without reimbursement;

(4) request agency heads to provide information needed by the Office, which information shall be supplied to the extent permitted by law;

(5) utilize, with their consent, the services and facilities of Federal agencies with or without reimbursement;

(6) accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible, for purposes of aiding or facilitating the work of the Office; and

(7) use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(c) COOPERATION WITH OTHER GOVERNMENTAL AGENCIES.—In order to avoid unnecessary expense and duplication of function

among Government agencies, the Office may make such arrangements or agreements for cooperation or mutual assistance in the performance of its functions under this title as is practicable and consistent with law. The head of the General Services Administration and each department, agency, or establishment of the United States shall cooperate with the Office and, to the extent permitted by law, provide such information, services, personnel, and facilities as the Office may request for its assistance in the performance of its functions under this title.

(d) DUTIES.—The Director shall—

(1) after notice and a reasonable opportunity for public comment, and consultation with the Secretary of the Senate, the Clerk of the House of Representatives, and the Administrative Conference of the United States, prescribe such regulations, penalty guidelines, and forms as are necessary to carry out this title;

(2) provide guidance and assistance on the registration and reporting requirements of this title, including—

(A) providing information to all registrants at the time of registration about the obligations of registered lobbyists under this title, and

(B) issuing published decisions and advisory opinions;

(3) review the registrations and reports filed under this title and make such verifications or inquiries as are necessary to ensure the completeness, accuracy, and timeliness of the registrations and reports;

(4) develop filing, coding, and cross-indexing systems to carry out the purposes of this title, including—

(A) a publicly available list of all registered lobbyists and their clients; and

(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this title;

(5) ensure that the computer systems developed pursuant to paragraph (4)—

(A) allow the materials filed under this title to be accessed by the client name, lobbyist name, and registrant name;

(B) are compatible with computer systems developed and maintained by the Federal Election Commission, and that information filed in the two systems can be readily cross-referenced; and

(C) are compatible with computer systems developed and maintained by the Secretary of the Senate and the Clerk of the House of Representatives;

(6) make copies of each registration and report filed under this title available to the public, upon the payment of reasonable fees, not to exceed the cost of such copies, as determined by the Director, in written and electronic formats, as soon as practicable after the date on which such registration or report is received;

(7) preserve the originals or accurate reproduction of—

(A) registrations filed under this title for a period that ends not less than 3 years after the termination of the registration under section 104(d); and

(B) reports filed under the title for a period that ends not less than 3 years after the date on which the report is received;

(8) maintain a computer record of—

(A) the information contained in registrations for a period that ends not less than 5 years after the termination of the registration under section 104(d); and

(B) the information contained in reports filed under this title for a period that ends not less than 5 years after the date on which the reports are received;

(9) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a manner which clearly presents the extent and nature of expenditures on lobbying activities during such period;

(10) make information compiled and summarized under paragraph (9) available to the public in electronic and hard copy formats as soon as practicable after the close of each semiannual filing period;

(11) provide, by computer telecommunication or other transmittal in a form accessible by computer, to the Secretary of the Senate and the Clerk of the House of Representatives copies of all registrations and reports received under sections 104 and 105 and all compilations, cross-indexes, and summaries of such registrations and reports, as soon as practicable (but not later than 3 working days) after such material is received or created;

(12) make available to the public a list of all persons whom the Director determines, under section 109 (after exhaustion of all appeals under section 111) to have committed a major or minor violation of this title and submit such list to the Congress as part of the report provided for under paragraph (13);

(13) make available to the public upon request and transmit to the President, the Secretary of the Senate, the Clerk of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on the Judiciary of the House of Representatives a report, not later than March 31 of each year, describing the activities of the Office and the implementation of this title, including—

(A) a financial statement for the preceding fiscal year;

(B) a summary of the registrations and reports filed with the Office with respect to the preceding calendar year;

(C) a summary of the registrations and reports filed on behalf of foreign entities with respect to the preceding calendar year; and

(D) recommendations for such legislative or other action as the Director considers appropriate; and

(14) study the appropriateness of the definition of "public official" under section 103(17) and make recommendations for any change in such definition in the first report filed pursuant to paragraph (13).

SEC. 108. INITIAL PROCEDURE FOR ALLEGED VIOLATIONS.

(a) ALLEGATION OF A VIOLATION.—Whenever the Office of Lobbying Registration and Public Disclosure has reason to believe that a person or entity may be in violation of the requirements of this title, the Director shall notify the person or entity in writing of the nature of the alleged violation and provide an opportunity for the person or entity to respond in writing to the allegation within 30 days after the notification is sent or such longer period as the Director may determine appropriate in the circumstances.

(b) INITIAL DETERMINATION.—

(1) IN GENERAL.—If the person or entity responds within the period described in the notification under subsection (a), the Director shall—

(A) issue a written determination that the person or entity has not violated this title if the person or entity provides adequate information or explanation to make such determination; or

(B) make a formal request for information under subsection (c) or a notification under section 109(a), if the information or explanation provided is not adequate to make a determination under subparagraph (A).

(2) WRITTEN DECISION.—If the Director makes a determination under paragraph (1)(A), the Director shall issue a public written decision in accordance with section 110.

(c) FORMAL REQUEST FOR INFORMATION.—If a person or entity fails to respond in writing within the period described in the notification under subsection (a) or the response is not adequate to determine whether such person or entity has violated this title, the Director may make a formal request for specific additional written information (subject to applicable privileges) that is reasonably necessary for the Director to make such determination. Each such request shall be structured to minimize any burden imposed, consistent with the need to determine whether the person or entity is in compliance with this title, and shall—

(1) state the nature of the conduct constituting the alleged violation which is the basis for the inquiry and the provision of law applicable thereto;

(2) describe the class or classes of material to be produced pursuant to the request with such definiteness and certainty as to permit such material to be readily identified; and

(3) prescribe a return date or dates which provide a reasonable period of time within which the person or entity may assemble and make available for inspection and copying or reproduction the material so requested.

SEC. 109. DETERMINATIONS OF VIOLATIONS.

(a) NOTIFICATION AND HEARING.—If the information provided to the Director under section 108 indicates that a person or entity may have violated this title, the Director shall—

(1) notify the person or entity in writing of this finding and, if appropriate, a proposed penalty assessment and provide such person or entity with an opportunity to respond in writing within 30 days after the notice is sent; and

(2) if requested in writing by that person or entity within that 30-day period, afford the person or entity an opportunity for a hearing on the record under the provisions of section 554 of title 5, United States Code.

(b) DETERMINATION.—Upon the receipt of a written response under subsection (a)(1) when no hearing under subsection (a)(2) is requested, upon the completion of a hearing requested under subsection (a)(2), or upon the expiration of 30 days in a case in which no such written response is received, the Director shall review the information received under section 108 and this section (including evidence presented at any such hearing) and make a final determination whether there was a violation and a final determination of the penalty, if any. If no written response was received under this section within the 30-day period provided, the determination and penalty assessment shall constitute a final order not subject to appeal.

(c) WRITTEN DECISION.—

(1) DETERMINATION OF VIOLATION.—If the Director makes a final determination under subsection (b) that there was a violation, the Director shall issue a written decision in accordance with section 110—

(A) directing the person or entity to correct the violation; and

(B) assessing a civil monetary penalty—

(i) in the case of a minor violation, which shall be no more than $10,000, depending on the extent and gravity of the violation;

(ii) in the case of a major violation, which shall be more than $10,000, but no more than $200,000, depending on the extent and gravity of the violation;

(iii) in the case of a late registration or filing, which shall be $200 for each week by

which the registration or filing was late, unless the Director determines that the failure to timely register or file constitutes a major violation (as defined under subsection (e)(2)) in which case the amount shall be as prescribed by clause (ii); or

(iv) in the case of a failure to provide information requested by the Director pursuant to section 108(c), which shall be no more than $10,000, depending on the extent and gravity of the violation, except that no penalty shall be assessed if the Director determines that the violation was the result of a good faith dispute over the validity or appropriate scope of a request for information.

(2) DETERMINATION OF NO VIOLATION OR INSUFFICIENT EVIDENCE.—If the Director determines that no violation occurred or there was not sufficient evidence that a violation occurred, the Director shall issue a written decision in accordance with section 110.

(d) CIVIL INJUNCTIVE RELIEF.—If a person or entity fails to comply with a directive to correct a violation under subsection (c), the Director shall refer the case to the Attorney General to seek civil injunctive relief in the appropriate court of the United States to compel such person or entity to comply with such directive.

(e) PENALTY ASSESSMENTS.—

(1) GENERAL RULE.—No penalty shall be assessed under this section unless the Director finds that the person or entity subject to the penalty knew or should have known that such person or entity was in violation of this title. In determining the amount of a penalty to be assessed, the Director shall take into account the totality of the circumstances, including the extent and gravity of the violation, whether the violation was voluntarily admitted and corrected, the extent to which the person or entity may have profited from the violation, the ability of the person or entity to pay, and such other matters as justice may require.

(2) REGULATIONS.—Regulations prescribed by the Director under section 107 shall define major and minor violations. Major violations shall be defined to include a failure to register and any other violation that is extensive or repeated, if the person or entity who failed to register or committed such other violation—

(A) had actual knowledge that the conduct constituted a violation;

(B) acted in deliberate ignorance of the provisions of this title or regulations related to the conduct constituting a violation; or

(C) acted in reckless disregard of the provisions of this title or regulations related to the conduct constituting a violation.

(f) LIMITATION.—No proceeding shall be initiated under section 108 of this section unless the Director notifies the person or entity who is to be the subject of the proceeding of the alleged violation within 3 years after the date on which the alleged violation occurred.

SEC. 110. DISCLOSURE OF INFORMATION; WRITTEN DECISIONS.

(a) DISCLOSURE OF INFORMATION.—Information provided to the Director pursuant to sections 108 and 109 shall not be made available to the public without the consent of the person or entity providing the information, except to the extent that such information may be included in—

(1) a new or amended report or registration filed under this title; or

(2) a written decision issued by the Director under this section.

(b) WRITTEN DECISIONS.—All written decisions issued by the Director under sections 108 and 109 shall be made available to the public. The Director may provide for the publication of a written decision if the Director determines that publication would provide useful guidance. Before making a written decision public, the Director—

(1) shall delete information that would identify a person or entity who was alleged to have violated this title if—

(A) there was insufficient evidence to determine that the person or entity violated this title or the Director found that person or entity did not violate this title, and

(B) the person or entity so requests; and

(2) shall delete information that would identify any other person or entity (other than a person or entity who was found to have violated this title), if the Director determines that such person or entity could reasonably be expected to be injured by the disclosure of such information.

SEC. 111. JUDICIAL REVIEW.

(a) FINAL DECISION.—A written decision issued by the Director under section 109 shall become final 60 days after the date on which the Director provides notice of the decision, unless such decision is appealed under subsection (b) of this section.

(b) APPEAL.—Any person or entity adversely affected by a written decision issued by the Director under section 109 may appeal such decision, except as provided under section 109(b), to the appropriate United States court of appeals. Such review may be obtained by filing a written notice of appeal in such court no later than 60 days after the date on which the Director provides notice of the Director's decision and by simultaneously sending a copy of such notice of appeal to the Director. The Director shall file in such court the record upon which the decision was issued, as provided under section 2112 of title 28, United States Code. The findings of fact of the Director shall be conclusive, unless found to be unsupported by substantial evidence, as provided under section 706(2)(E) of title 5, United States Code. Any penalty assessed or other action taken in the decision shall be stayed during the pendency of the appeal.

(c) RECOVERY OF PENALTY.—Any penalty assessed in a written decision which has become final under this title may be recovered in a civil action brought by the Attorney General in an appropriate United States district court. In any such action, no matter that was raised or that could have been raised before the Director or pursuant to judicial review under subsection (b) may be raised as a defense, and the determination of liability and the determination of amounts of penalties and assessments shall not be subject to review.

SEC. 112. RULES OF CONSTRUCTION.

(a) CONSTITUTIONAL RIGHTS.—Nothing in this title shall be construed to prohibit or interfere with—

(1) the right to petition the government for the redress of grievances;

(2) the right to express a personal opinion; or

(3) the right of association,

protected by the First Amendment to the Constitutions.

(b) PROHIBITION OF ACTIVITIES.—Nothing in this title shall be construed to prohibit, or to authorize the Director or any court to prohibit, lobbying activities or lobbying contacts by any person or entity, regardless of whether such person or entity is in compliance with the requirements of this title.

(c) AUDIT AND INVESTIGATIONS.—Nothing in this title shall be construed to grant general audit or investigative authority to the Director.

SEC. 113. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.

The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) is amended—

(1) in section 1—

(A) by striking subsection (j);

(B) in subsection (o) by striking "the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence" and inserting "any activity that the person engaging in believes will, or that the person intends to, in any way influence";

(C) in subsection (p) by striking the semicolon and inserting a period; and

(D) by striking subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking "established agency proceedings, whether formal or informal." and inserting "judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.";

(3) in section 3 (22 U.S.C. 613) by adding at the end the following:

"(h) Any agent of a person described in section 1(b)(2) or an entity described in section 1(b)(3) if the agent is required to register and does register under the Lobbying Disclosure Act of 1994 in connection with the agent's representation of such person or entity.";

(4) in section 4(a) (22 U.S.C. 614(a))—

(A) by striking "political propaganda" and inserting "informational materials"; and

(B) by striking "and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times, and extent of such transmittal";

(5) in section 4(b) (22 U.S.C. 614(b))—

(A) in the matter preceding clause (i), by striking "political propaganda" and inserting "informational materials"; and

(B) by striking "(i) in the form of prints, or" and all that follows through the end of the subsection and inserting "without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.";

(6) in section 4(c) (22 U.S.C. 614(c)), by striking "political propaganda" and inserting "informational materials";

(7) in section 6 (22 U.S.C. 616)—

(A) in subsection (a) by striking "and all statements concerning the distribution of political propaganda";

(B) in subsection (b) by striking ", and one copy of every item of political propaganda"; and

(C) in subsection (c) by striking "copies of political propaganda,";

(8) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2) by striking "or in any statement under section 4(a) hereof concerning the distribution of political propaganda"; and

(B) by striking subsection (d); and

(9) in section 11 (22 U.S.C. 621) by striking ", including the nature, sources, and content of political propaganda disseminated or distributed".

SEC. 114. AMENDMENTS TO THE BYRD AMENDMENT.

(a) REVISED CERTIFICATION REQUIREMENTS.—Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2) by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

"(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).";

(2) in paragraph (3) by striking all that follows "loan shall contain" and inserting "the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee."; and

(3) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

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

(1) by striking subsection (d); and

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

SEC. 115. REPEAL OF CERTAIN LOBBYING PROVISIONS.

(a) REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) REPEAL OF PROVISIONS RELATING TO HOUSING LOBBYIST ACTIVITIES.—

(1) Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

SEC. 116. CONFORMING AMENDMENTS TO OTHER STATUTES.

(a) AMENDMENT TO COMPETITIVENESS POLICY COUNCIL ACT.—Section 5206(e) of the Competitiveness Policy Council Act (15 U.S.C. 4804(e)) is amended by inserting "or a lobbyist for a foreign entity (as the terms 'lobbyist' and 'foreign entity' are defined under section 103 of the Lobbying Disclosure Act of 1994)" after "an agent for a foreign principal".

(b) AMENDMENTS TO TITLE 18, UNITED STATES CODE.—Section 219(a) of title 18, United States Code, is amended (1) by inserting "or a lobbyist required to register under the Lobbying Disclosure Act of 1994 in connection with the representation of a foreign entity, as defined in section 103(7) of that Act" after "an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938", and (2) by striking out ", as amended,".

(c) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting "or a lobbyist for a foreign entity (as defined in section 103(7) of the Lobbying Disclosure Act of 1994)" after "an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938)".

SEC. 117. SEVERABILITY.

If any provision of this title, or the application thereof, is held invalid, the validity of the remainder of this title and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years 1995, 1996, 1997, 1998, and 1999 such sums as may be necessary to carry out this title.

SEC. 119. IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.

(a) ORAL LOBBYING CONTACTS.—Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

(1) state whether the person or entity is registered under this title and identify the client on whose behalf the lobbying contact is made; and

(2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 104(b)(4) that has a direct interest in the outcome of the lobbying activity.

(b) WRITTEN LOBBYING CONTACTS.—Any person or entity registered under this title that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

(1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this title, and state whether the person making the lobbying contact is registered on behalf of that client under section 104; and

(2) identify any other foreign entity identified pursuant to section 104(b)(4) that has a direct interest in the outcome of the lobbying activity.

(c) IDENTIFICATION AS COVERED OFFICIAL.—Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

SEC. 120. TRANSITIONAL FILING REQUIREMENT.

(a) SIMULTANEOUS FILING.—Subject to subsection (b), each registrant shall transmit simultaneously to the Secretary of the Senate and the Clerk of the House of Representatives an identical copy of each registration and report required to be filed under this title.

(b) SUNSET PROVISION.—The simultaneous filing requirement under subsection (a) shall be effective until such time as the Director, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, determines that the Office of Lobbying Registration and Public Disclosure is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 107(b)(11).

(c) IMPLEMENTATION.—The Director, the Secretary of the Senate, and the Clerk of the House of Representatives shall take such actions as necessary to ensure that the Office of Lobbying Registration and Public Disclosure is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 107(b)(11) on the effective date of this title, or as soon thereafter as reasonably practicable.

SEC. 121. EFFECTIVE DATES AND INTERIM RULES.

(a) IN GENERAL.—Except as otherwise provided in this section, this title and the amendments made by this title shall take effect January 1, 1996.

(b) EFFECTIVE DATE OF GIFT PROHIBITION.—Section 6 shall take effect on January 1, 1995. During calendar year 1995, such section shall apply to any gift provided by a lobbyist or an agent of a foreign principal registered under the Federal Regulation of Lobbying Act or the Foreign Agents Registration Act, including any person registered under such Acts as of July 1, 1994, or thereafter.

(c) ESTABLISHMENT OF OFFICE.—Sections 107 and 118 shall take effect on the date of enactment of this Act.

(d) REPEALS AND AMENDMENTS.—The repeals and amendments made under sections 113, 114, 115, and 116 shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted; and

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

(e) REGULATIONS.—Proposed regulations required to implement this title shall be published for public comment no later than 270 days after the date of the enactment of this Act. No later than 1 year after the date of the enactment of this Act, final regulations required to implement this title shall be published.

(f) PHASE-IN PERIOD.—No penalty shall be assessed by the Director under section 109(e) for a violation of this title, other than for a violation of section 106, which occurs during the first semiannual reporting period under section 105 after the effective date prescribed by subsection (a).

(g) INTERIM RULES.—

(1) REPORTING RULE.—A person or entity that is required to account for lobbying expenditures and does account for lobbying expenditures pursuant to section 162(e) of the Internal Revenue Code of 1986 may make a good faith estimate (by category of dollar value) of the amount that would not be deductible pursuant to that section for the applicable semi-annual period to meet the requirements of sections 104(a)(3), 105(a)(2), and 105(b)(4), if the person or entity—

(A) makes such an estimate to meet the requirements of each such section of this title for a given calendar year; and

(B) informs the Director that the person or entity is making such an estimate in any registration or report including such an estimate.

(2) DE MINIMUS RULE.—In determining whether its employees are lobbyists under section 103(12)—

(A) a person or entity that is required to report and does report lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986, and makes an estimate of expenses pursuant to section 105(c)(4) of this title to meet the requirements of sections 104(a)(3), 105(a)(2), 105(b)(4), and 105(b)(6) of this title, shall, in lieu of using the definition of "lobbying activities" in section 103(9) of this title, consider as lobbying activities—

(i) activities that are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986;

(ii) activities described in section 4911(d)(2)(C) of the Internal Revenue Code of 1986; and

(iii) lobbying activities (as defined in section 103(9)) that are in support of a lobbying contact with a covered executive branch official; and

(B) a person or entity that is required to account for lobbying expenditures and does account for lobbying expenditures pursuant to section 162(e) of the Internal Revenue

Code of 1986, and makes an estimate of expenses pursuant to paragraph (1) of this subsection, shall, in lieu of using the definition of "lobbying activities" in section 103(9), consider as lobbying activities—

(i) activities that are influencing legislation within the meaning of section 162(e)(1)(A) of the Internal Revenue Code of 1986;

(ii) activities that are attempts to influence the general public, as described in section 162(e)(1)(C) of the Internal Revenue Code of 1986; and

(iii) lobbying activities (as defined in section 103(9)) that are in support of a lobbying contact with a covered executive branch official.

(3) STUDY.—Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under paragraph (1) of this section and section 105(c)(4) and report to the Congress—

(A) the differences between the definition of "lobbying activities" in section 103(9) and the definitions of "lobbying expenditures", "influencing legislation", and related terms in sections 162(e) and 4911 of the Internal Revenue Code of 1986, as each are implemented by regulations;

(B) the impact that any such differences may have on filing and reporting under this title pursuant to this subsection; and

(C) any changes to this title or to the appropriate sections of the Internal Revenue Code of 1986 that the Comptroller General may recommend to harmonize the definitions.

(4) SUNSET PERIOD.—This subsection shall cease to be effective on December 31, 1998.

(h) INTERIM DIRECTOR.—Within 30 days after the date of the enactment of this Act, the President shall designate an interim Director of the Office of Lobbying Registration and Public Disclosure, who shall serve at the pleasure of the President until a Director of such Office has been nominated by the President and confirmed by the Senate. The interim Director may not promulgate final regulations pursuant to section 107(d) or initiate procedures for alleged violations pursuant to sections 108 and 109.

TITLE II—CONGRESSIONAL GIFT RULES

SEC. 201. AMENDMENTS TO SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"1. No Member, officer, or employee of the Senate shall accept a gift, knowing that such gift is provided by a registered lobbyist, a lobbying firm, or an agent of a foreign principal in violation of the Lobbying Disclosure Act of 1994.

"2. (a) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph 1 and except as provided in this Rule, no Member, officer, or employee of the Senate shall knowingly accept a gift from any other person.

"(b)(1) For the purpose of this Rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(c) The restrictions in subparagraph (a) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Select Committee on Ethics shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee that is otherwise lawfully made.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fund-raising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

"(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt.

"(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(16) Bequests, inheritances, and other transfers at death.

"(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(20) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

"(21) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(22) A plaque, trophy, or other memento of modest value.

"(23) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

"(d)(1) Except as prohibited by paragraph 1, a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) Except as prohibited by paragraph 1, a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) for purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in subparagraph (c)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1994 unless the Select Committee on Ethics issues a written determination that one of such exceptions applies.

"(f)(1) The Committee on Rules and Administration is authorized to adjust the dollar amount referred to in subparagraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Select Committee on Ethics shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"3. (a)(1) Except as prohibited by paragraph 1, a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this rule, if the Member, officer, or employee—

"(A) in the case of an employee, receive advance authorization, from the Member or officer under whose direct supervision the employee works to accept reimbursement, and

"(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after travel is completed.

"(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be assigned by the Member or officer under whose direct supervision the employee works and shall include—

"(1) the name of the employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be assigned by the Member or office (in the case of travel by the Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member of officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Select Committee on Ethics;

"(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event; and

"(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

"(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.".

SEC. 202. AMENDMENTS TO HOUSE RULES.

Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

"4. (a) No Member, officer, or employee of the House of Representatives shall accept a gift, knowing that such gift is provided directly or indirectly by a registered lobbyist, a lobbying firm, or an agent of a foreign principal in violation of the Lobbying Disclosure Act of 1994.

"(b) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph (a) and except as provided in this Rule, no Member, officer, or employee of the House of Representatives shall knowingly accept a gift from any other person.

"(c)(1) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(d) The restrictions in paragraph (b) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Committee on Standards of Official Conduct shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee that is otherwise lawfully made.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshment, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fund-raising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee

welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Standards of Official Conduct.

"(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt.

"(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

"(16) Bequests, inheritances, and other transfers at death.

"(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(20) Free attendance at a widely attended event permitted pursuant to paragraph (e).

"(21) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(22) A plaque, trophy, or other memento of modest value.

"(23) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

"(e)(1) Except as prohibited by paragraph (a), a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

"(3) Except as prohibited by paragraph (a), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(f) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in paragraph (d)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1994 unless the Committee on Standards of Official Conduct issues a written determination that one of such exceptions applies.

"(g)(1) The Committee on Standards of Official Conduct is authorized to adjust the dollar amount referred to in paragraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Committee on Standards of Official Conduct shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"(h)(1)(A) Except as prohibited by paragraph (a), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by this paragraph, if the Member, officer, or employee—

(i) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

"(B) For purposes of clause (A), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(2) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(A) the name of the employee;

"(B) the name of the person who will make the reimbursement;

"(C) the time, place, and purpose of the travel; and

"(D) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(3) Each disclosure made under subparagraph (1)(A) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or Officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(B) a good faith estimate of total lodging expenses reimbursement or to be reimbursed;

"(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(F) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(4) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(A) includes reasonable expenses that are necessary for travel—

"(i) for a period not exceeding 4 days including travel time within the United States or 7 days in addition to travel time outside the United States; and

"(ii) within 24 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States,

unless approved in advance by the Committee on Standards of Official Conduct;

"(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within with periods described in clause (A);

"(C) does not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the event; and

"(D) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the officer or employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

"(5) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (1) as soon as possible after they are received.".

SEC. 203. MISCELLANEOUS PROVISIONS.

(a) AMENDMENTS TO THE ETHICS IN GOVERNMENT ACT.—Section 102(a)(2)(B) of the Ethics in Government Act (5 U.S.C. 102, App. 6) is amended by adding at the end thereof the following: "Reimbursements accepted by a Federal agency pursuant to section 1353 of title 31, United States Code, or deemed accepted by the Senate or the House of Representatives pursuant to Rule XXXV of the Standing Rules of the Senate or clause 4 of Rule XLIII of the Rules of the House of Representatives shall be reported as required by such statute or rule and need not be reported under this section.".

(b) REPEAL OF OBSOLETE PROVISION.—Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31-2) is repealed.

(c) SENATE PROVISIONS.—

(1) AUTHORITY OF THE COMMITTEE ON RULES AND ADMINISTRATION.—The Senate Committee on Rules and Administration, on behalf of the Senate, may accept gifts provided they do not involve any duty, burden, or condition, or are not made dependent upon some future performance by the United States. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

(2) FOOD, REFRESHMENTS, AND ENTERTAINMENT.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the Senate or an employee of such a Member in the Member's home State before the adoption of reasonable limitations by the Committee on Rules and Administration shall be the rules in effect on the day before the effective date of this title.

(d) HOUSE PROVISION.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the House of Representatives or an employee of such a Member in the Member's home State before the adoption of reasonable limitations by the Committee on Standards of Official Conduct shall be the rules in effect on the day before the effective date of this title.

SEC. 204. EXERCISE OF CONGRESSIONAL RULEMAKING POWERS.

Sections 201, 202, 203(c), and 203(d) of this title are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and pursuant to section 7353(b)(1) of title 5, United States Code, and accordingly, they shall be considered as part of the rules of each House, respectively, or of the House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (insofar as they relate to that House) at any time and in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 205. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on January 1, 1995.

SUMMARY OF LEVIN-BRYANT PROPOSAL

I. LOBBYING DISCLOSURE

Closes loopholes in existing lobbying registration laws, including the Federal Regulation of Lobbying Act and the Foreign Agents Registration Act.

Covers all professional lobbyists, whether they are lawyers or non-lawyers, in-house or independent, and whether their clients are for-profit or non-profit.

Covers, for the first time, lobbying of policy-making officials in both Congress and the Executive Branch.

Requires disclosure of who is paying whom to lobby what federal agencies and congressional committees, on what issues.

Ensures, for the first time, disclosure of grass-roots lobbying expenses and issues.

Streamlines filing by consolidating reports in a single form and eliminating unnecessary paperwork requirements.

Provides, for the first time, effective administration and enforcement of disclosure requirements by an independent office.

II. GIFT RESTRICTIONS

Registered Lobbyists:

Bans virtually all gifts from registered lobbyists including meals, entertainment, travel, charitable contributions on Member's recommendation, contributions to legal expense funds, contributions to congressional retreats. Allows only food and refreshment of minimal value not offered as part of a meal, campaign contributions and attendance at political events, informational materials and gifts from close personal friends and family members.

Enforcement of gifts from registered lobbyists is by Office of Lobbying Registration and Public Disclosure, a new independent agency in the Executive Branch.

All Other Persons:

Signficantly restricts gifts from everyone other than registered lobbyists. Bans "hard" gifts and gifts of entertainment. Bans all other gifts except those of minimal value such as—food and refreshments less than $20; items of little intrinsic value; informational materials; plaques and mementos; home state products. Allows gifts based on personal and family relationship unless the Member has reason to believe that the gift was provided because of the Member's official position and not the relationship. Allows gifts of food, refreshment and entertainment in the Member's home state subject to reasonable limits set by the Rules Committee. Allows personal hospitality, attendance at the invitation of the sponsor at a widely-attended event, attendance at the invitation of the sponsor at a charity event, campaign contributions and attendance at political events, honorary degrees, gifts resulting from outside employment.

Enforcement is by the House and Senate Ethics Committee.

III. TRAVEL RULES

All travel that is "substantially recreational" is banned including all charitable golf, tennis, ski and other such trips.

Travel in connection with official duties is limited and disclosed within 30 days.

Members must approve staff travel in advance.

Mr. LEVIN. I thank the Chair 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. 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.

EXECUTIVE SESSION

PROTOCOL TO THE TAX CONVENTION FOR THE STATE OF ISRAEL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the Protocol to the Tax Convention with the State of Israel (Treaty Document No. 103-16); that the treaty be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification; that the understanding and declaration recommended by the Committee on Foreign Relations be considered as having been agreed to; that no other amendments, conditions, declarations, provisos, reservations, or understandings be in order; that any statements be inserted in the CONGRESSIONAL RECORD as if read; that when the resolution of ratification is agreed to, the motion to reconsider be laid upon the table; and that the President be notified of the Senate's action.

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

The resolution of ratification reads as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Second Protocol Amending the 1975 Convention Between the Government of the United States of America and the Government of the State of Israel with Respect to Taxes on Income (as amended by the Protocol signed on May 30, 1980), signed at Jerusalem on January 26, 1993 (Treaty Doc. 103-16), subject to the following:

(a) Understanding: That nothing in Article XVII of the Second Protocol, or the provisions of the Convention to which it refers, shall be construed to limit or otherwise affect the operation of the provisions of the Convention added by paragraph 3 of Article XIII of the Second Protocol; and

(b) Declaration: That, pursuant to the Second Protocol, appropriate Congressional committees, and the General Accounting Office, will be afforded access to the information exchanged under the Convention where such access is necessary to carry out their oversight responsibilities, subject only to the limitations and procedures of the Internal Revenue Code, thereby satisfying the understanding subject to which the Senate gave its advice and consent to ratification of the Convention and First Protocol.

Mr. MITCHELL. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. Senators in favor of the ratification of the treaty, please rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

So the resolution of ratification was agreed to.

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate consider the following nominations: Calendar Nos. 1101, 1133, 1141, 1168, 1169, 1170, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1265, 1266, 1267, 1268, 1269, 1270, and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Kenneth Malerman Jarin, the Pennsylvania, to be a Member of the National Council of the Arts for a term expiring September 3, 1998.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Kay Collett Goss, of Arkansas, to be an Associate Director of the Federal Emergency Management Agency.

DEPARTMENT OF DEFENSE

Judith A. Miller, of Ohio, to be General Council of the Department of Defense.

DEPARTMENT OF JUSTICE

Laurie O. Robinson, of the District of Columbia, to be an Assistant Attorney General.

Jeremy Travis, of New York, to be Director of the National Institute of Justice.

Nancy E. Gist, of Massachusetts to be Director of the Bureau of Justice Assistance. (New Position)

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade of major general under the provisions of title 10, United States Code, section 624:

To be major general

Brig. Gen. Jeffrey G. Cliver, [redacted] Regular Air Force

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Ervin J. Rokke [redacted] United States Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Robert M. Alexander, [redacted] United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 8036:

TO BE SURGEON GENERAL, UNITED STATES AIR FORCE

To be lieutenant general

Maj. Gen. Edgar R. Anderson, Jr. [redacted] United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Lester L. Lyles, [redacted] United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Edwin E. Tenoso, [redacted] United States Air Force.

The following named officer for appointment to the grade of general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be general

Gen. Merrill A. McPeak [redacted] United States Air Force.

The following named officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of Sections 593, 8351 and 8374, Title 10, United States Code:

To be major general

Brig. Gen. Robert W. Barrow [redacted], Air National Guard of the United States.

Brig. Gen. Robert G. Chrisjohn [redacted], Air National Guard of the United States.

Brig. Gen. Steffen P. Christensen, III, [redacted] Air National Guard of the United States.

Brig. Gen. Harris R. Henderson [redacted], Air National Guard of the United States.

Brig. Gen. Roberta V. Mills [redacted] Air National Guard of the United States.

Brig. Gen. Herbert J. Spier, Jr [redacted], Air National Guard of the United States.

Brig. Gen. William A. Treu [redacted] Air National Guard of the United States.

To be brigadier general

Col. Keith D. Bjerke [redacted] Air National Guard of the United States.

Col. Samuel G. DeGeneres [redacted] Air National Guard of the United States.

Col. William F. Doctor [redacted] Air National Guard of the United States.

Col. Robert S. Dutko, Sr [redacted] Air National Guard of the United States.

Col. Verna D. Fairchild [redacted] Air National Guard of the United States.

Col. Daniel J. Gibson [redacted] Air National Guard of the United States.

Col. Gary L. Hindoien [redacted] Air National Guard of the United States.

Col. Timothy J. Lowenberg [redacted] Air National Guard of the United States.

Col. William B. Lynch [redacted] Air National Guard of the United States.

Col. James R. McKinney [redacted] Air National Guard of the United States.

Col. John R. Metz, [redacted] Air National Guard of the United States.

Col. Scott A. Mikkelsen [redacted] Air National Guard of the United States.

Col. Allan W. Ness, [redacted] Air National Guard of the United States.

Col. Kenneth S. Peterson [redacted] Air National Guard of the United States.

Col. Austin P. Snyder [redacted] Air National Guard of the United States.

Col. Richard E. Spooner [redacted] Air National Guard of the United States.

Col. James E. Thomey [redacted] Air National Guard of the United States.

Col. Richard W. Tuttle [redacted] Air National Guard of the United States.

Col. Salvatore Vilano, Jr [redacted] Air National Guard of the United States.

Col. James E. Whinnery [redacted] Air National Guard of the United States.

The following named officer for appointment in the United States Air Force Reserve to the position and grade indicated, under the provisions of Title 10, United States Code, Section 8038:

To be chief of Air Force Reserve

Maj. Gen. Robert A. McIntosh, [redacted] United States Air Force Reserve.

The following named officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of Title 10, United States Code, Sections 593, 8351 and 8374:

To be major general

Brig. Gen. Thomas W. Powers, [redacted] Air National Guard of the United States.

Brig. Gen. David E.B. Ward [redacted] Air National Guard of the United States.

To be brigadier general

Col. Robert L. Biehunko [redacted] Air National Guard of the United States.

Col. Joseph L. Canady, III [redacted] Air National Guard of the United States.

Col. James H. Greshik [redacted] Air National Guard of the United States.

Col. Stanley P. May [redacted] Air National Guard of the United States.

Col. Kenneth W. McGill [redacted] Air National Guard of the United States.

Col. George F. Scoggins, Jr [redacted], Air National Guard of the United States.

Col. Miles B. Scribner [redacted] Air National Guard of the United States.

Col. Carol M. Thomas, [redacted] Air National Guard of the United States.

The following named officer for appointment to the grade of general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be general

Lt. Gen. John G. Lorber, [redacted] United States Air Force.

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Lt. Gen. Howell M. Estes, III [redacted] United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Everett H. Pratt, Jr., [redacted] United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Ronald W. Iverson, [redacted] United States Air Force.

ARMY

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a) and 3040(b):

TO BE CHIEF OF THE NATIONAL GUARD BUREAU

To be lieutenant general

Maj. Gen. Edward D. Baca [redacted] United States Army.

The following named United States Army National Guard officer for promotion to the grade indicated in the Reserve of the Army of the United States, under the provisions of Title 10, United States Code, sections 593(a), 3385 and 3392:

To be brigadier general

Col. Alex R. Garcia, [redacted]

The following named officers for promotion in the Regular Army of the United States to the grade indicated, under the provisions of Title 10, United States Code, Sections 611(a) and 624:

To be permanent major general

Brig. Gen. Clair F. Gill, [redacted]
Brig. Gen. George E. Friel, [redacted]
Brig. Gen. Jan. A. Van Prooyen [redacted]
Brig. Gen. David L. Benton, III, [redacted]
Brig. Gen. Edward G. Anderson, III, [redacted]
Brig. Gen. Norman E. Williams, [redacted]
Brig. Gen. Robert H. Scales, Jr. [redacted]
Brig. Gen. John E. Longhouser, [redacted]
Brig. Gen. William L. Nash, [redacted]
Brig. Gen. Richard A. Chilcoat, [redacted]
Brig. Gen. John A. Van Alstyne [redacted]
Brig. Gen. Arthur T. Dean, [redacted]
Brig. Gen. Robert S. Coffey, [redacted]
Brig. Gen. Larry R. Ellis, [redacted]
Brig. Gen. Lawson W. Magruder, [redacted]
Brig. Gen. Russell L. Fuhrman, [redacted]
Brig. Gen. Montgomery C. Meigs, [redacted]
Brig. Gen. Charles G. Sutten, Jr. [redacted]
Brig. Gen. Billy K. Solomon, [redacted]
Brig. Gen. Paul J. Kern, [redacted]
Brig. Gen. Gerard P. Brohm, [redacted]
Brig. Gen. Charles C. Cannon, Jr. [redacted]
Brig. Gen. Roger G. Thompson, Jr. [redacted]
Brig. Gen. James M. Link, [redacted]
Brig. Gen. Randolph W. House, [redacted]
Brig. Gen. John Costello, [redacted]
Brig. Gen. Johnny M. Riggs, [redacted]
Brig. Gen. Peter J. Schoomaker [redacted]
Brig. Gen. Jack P. Nix, Jr., [redacted]

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Carmen J. Cavezza, [redacted] United States Army.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Theodore G. Stroup, Jr. [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 general

Gen. Frederick M. Franks, Jr., [redacted] United States Army.

The following named officer for appointment to the grade of general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be general

Lt. Gen. William W. Hartzog [redacted] United States Army.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. David A. Bramlett [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 general

Gen. David M. Maddox, [redacted] United States Army.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Richard F. Timmons, [redacted] United States Army.

The following named officer for appointment to the grade of general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be general

Lt. Gen. William W. Crouch [redacted] United States Army.

The following United States Army Reserve officers for promotion to the grades indicated in the Reserve of the Army of the United States, under the provisions of Section 593(a) and Section 3384, Title 10, United States Code:

To be major general

Brig. Gen. Max Guggenheimer, [redacted]
Brig. Gen. George J. Steiner, [redacted]
Brig. Gen. Thomas B. Murchie, [redacted]
Brig. Gen. Billy F. Jester, [redacted]

To be brigadier general

Col. James G. Browder, [redacted]
Col. Daniel C. Balough, [redacted]
Col. Roger P. Hand, [redacted]

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Thomas M. Montgomery, [redacted], United States Army.

The following named officer for promotion in the Judge Advocate General's Corps, United States Army, and in the Regular Army of the United States to the grade of brigadier general under the provisions of Title 10, United States Code, Sections 611(a) and 624(c) and 3037:

To be permanent brigadier general

Col. John D. Altenburg, Jr., [redacted] United States Army.

The following named officer for promotion in the Chaplain Branch, United States Army, and in the Regular Army of the United States to the grade of brigadier general under the provisions of Title 10, United States Code, Sections 611(a) and 624(c):

To be permanent brigadier general

Col. Gaylord T. Gunhus, [redacted] United States Army.

The following named officer for promotion in the Dental Corps, United States Army, and in the Regular Army of the United States to the grade of brigadier general under the provisions of Title 10, United States Code, Sections 611(a) and 624(c):

To be permanent brigadier general

Col. Patrick D. Sculley [redacted] United States Army.

The following named officers for promotion in the Regular Army of the United States to the grade indicated, under the provisions of Title 10, United States Code, Sections 611(a) and 624:

To be permanent brigadier general

Col. John W. Mountcastle, [redacted]
Col. John C. Reppert, [redacted]
Col. John S. Caldwell, Jr. [redacted]
Col. Albert J. Madora, [redacted]
Col. Jerry L. Sinn, [redacted]
Col. Joseph R. Inge, [redacted]
Col. Julian A. Sullivan, Jr. [redacted]
Col. Samuel S. Thompson III, [redacted]
Col. Robert L. Nabors, [redacted]
Col. Samuel L. Kindred, [redacted]
Col. Warren C. Edwards, [redacted]
Col. Burwell B. Bell III, [redacted]
Col. James E. Mitchell, [redacted]
Col. Evan R. Gaddis, [redacted]
Col. Reginal G. Clemmons, [redacted]
Col. Daniel A. Doherty, [redacted]
Col. Dan K. McNeill, [redacted]
Col. William S. Wallace, [redacted]
Col. Thomas R. Dickinson, [redacted]
Col. Robert L. Floyd II, [redacted]
Col. John J. Marcello, [redacted]
Col. Gilbert S. Harper, [redacted]
Col. Paul T. Mikolashek, [redacted]
Col. Mary E. Morgan, [redacted]
Col. Edward Soriano, [redacted]
Col. Phillip R. Anderson, [redacted]
Col. Donald L. Kerrick, [redacted]
Col. Geoffrey D. Miller, [redacted]
Col. Roger W. Scearce, [redacted]
Col. Robert A. Glacel, [redacted]
Col. Robert J. St. Onge, Jr. [redacted]
Col. Carl H. Freeman, [redacted]
Col. Philip R. Kensinger, Jr. [redacted]
Col. Stephen R. Smith, [redacted]
Col. Bryan D. Brown, [redacted]
Col. Benjamin S. Griffin, [redacted]
Col. Bruce K. Scott, [redacted]
Col. William E. Ward, [redacted]
Col. James R. Snider, [redacted]

The following-named Medical Corps Competitive Category officers for appointment in the Regular Army of the United States to the grade of brigadier general under the provisions of Title 10, United Stats Code, Sections 611(a) and 624(c):

To be permanent brigadier general

Col. Warren A. Todd, Jr. [redacted] United States Army.
Col. Stephen N. Xenakis [redacted] United States Army.
Col. Harold L. Timboe [redacted] United States Army.

NAVY

The following-named rear admirals (lower half) in the line of the United States Navy for promotion to the permanent grade of rear admiral, pursuant to Title 10, United States Code, Section 624, subject to qualifications therefore as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral

Rear Adm. (lh) David Spencer Bill III, [redacted] U.S. Navy.
Rear Adm. (lh) Michael William Bordy, [redacted] U.S. Navy.
Rear Adm. (lh) Frank Lee Bowman [redacted] U.S. Navy.

Rear Adm. (lh) Herbert Archibald Browne, Jr., [redacted] U.S. Navy.

Rear Adm. (lh) Arthur Karl Cebrowski, [redacted] U.S. Navy.

Rear Adm. (lh) Vernon Eugene Clark, [redacted] U.S. Navy.

Rear Adm. (lh) Winford Gerald Ellis, [redacted] U.S. Navy.

Rear Adm. (lh) Andrew Aloysius Granuzzo, [redacted] U.S. Navy.

Rear Adm. (lh) Alexander Joseph Krekich, [redacted] U.S. Navy.

Rear Adm. (lh) John Michael Luecke, [redacted] U.S. Navy.

Rear Adm. (lh) John James Mazach [redacted] U.S. Navy.

Rear Adm. (lh) John Roy Ryan [redacted], U.S. Navy.

Rear Adm. (lh) John Francis Shipway, [redacted] U.S. Navy.

Rear Adm. (lh) John Fleet Sigler [redacted] U.S. Navy.

Rear Adm. (lh) Bernard John Smith, [redacted] U.S. Navy.

Rear Adm. (lh) George Francis Adolf Wagner, [redacted] U.S. Navy.

Rear Adm. (lh) William Harry Wright, IV, [redacted] U.S. Navy.

ENGINEERING DUTY OFFICER

To be rear admiral

Rear Adm. (lh) Michael Thomas Coyle, [redacted] U.S. Navy.

SPECIAL DUTY OFFICER (PUBLIC AFFAIRS)

To be rear admiral

Rear Adm. (lh) Kendell Milford Pease, Jr., [redacted] U.S. Navy.

The following named rear admirals (lower half) of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the line, as indicated, pursuant to the provision of Title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral

Rear Adm. (lh) James Paul Schear, [redacted] U.S. Naval Reserve.

Rear Adm. (lh) John Earl Till [redacted] U.S. Naval Reserve.

Rear Adm. (lh) George Dennis Vaughan, [redacted] U.S. Naval Reserve.

UNRESTRICTED LINE OFFICER (TRAINING AND ADMINISTRATION OF RESERVE)

To be rear admiral

Rear Adm. (lh) Francis William Harness, [redacted] U.S. Naval Reserve.

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral

Rear Adm. (lh) Bruce Allen Black [redacted] U.S. Naval Reserve.

The following named officer for reappointment to the grade of Vice Admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Vice Adm. Arthur K. Cebrowski, U.S. Navy [redacted].

The following named captain of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral (lower half) in the staff corps, as indicated, pursuant to the provisions of Title 10, United States Code, Section 5912:

CIVIL ENGINEER CORPS OFFICER

To be rear admiral (lower half)

Capt. Noah Halbrook Long, Jr [redacted], U.S. Naval Reserve.

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 admiral

Adm. Paul D. Miller, U.S. Navy [redacted].

The following named officer for appointment to the grade of Vice Admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. Walter J. Davis, Jr., U.S. Navy, [redacted].

The following-named rear admiral (lower half) in the line of the navy for promotion to the permanent grade of rear admiral, pursuant to Title 10, United States Code, Section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral

Rear Adm. (lh) William E. Newman [redacted] U.S. Navy.

The following named officer for appointment to the grade of rear admiral in accordance with Article II, Section 2, Clause 2, of the Constitution:

To be rear admiral

Capt. John F. Eisold, MC, U.S. Navy, [redacted].

The following named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. (Selectee) Harold W Gehman, Jr., U.S. Navy [redacted].

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Jack S. Arnold, and ending Donald L. Noah, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 1994.

Air Force nominations beginning Marilyn J. Lythgoe [redacted] and ending Rodger F. Seidel, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 12, 1994.

Air Force nominations beginning Major Roy L. Alsop, [redacted] and ending Major Mary W. Wexler, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 1994.

Air Force nominations beginning Ines M. Agosto, and ending Katherine A. Zukor, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 9, 1994.

Air Force nominations beginning Angelita R. Gabatin, and ending Charles R. Myers, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 25, 1994.

Air Force nominations beginning James S. Dalrymple, and ending Danny J. Watson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 12, 1994.

Army nomination of William C. Kirk, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of August 4, 1993.

Army nomination of Charles A. Jarnot, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of July 12, 1994.

Army nominations beginning Richard C. Adams, and ending Robert P. Zurcher, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 20, 1994.

Army nominations beginning Eric R. Abraham, and ending Maria D. Zamarripa, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 26, 1994.

Army nominations beginning Harold L. Abner, and ending Marian E. Yowler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 26, 1994.

Army nominations beginning Robert G. Kowalski, and ending John D. Sharkey, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 5, 1994.

Army nominations beginning Alfred S. Gervin, and ending Jonathan Newmark, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 5, 1994.

Army nominations beginning Curtis G. Abate, and ending Anthony * Zydlewski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1994.

Army nominations beginning Thomas J. Anderson, and ending Mark D. Marks, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 16, 1994.

Army nominations beginning Michael Foss, and ending Jose Uson, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 16, 1994.

Army nominations beginning Michael Austin, and ending Thomas M. Byerly, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 25, 1994.

Army nominations beginning Irene F. Logan, and ending Stephen M. Smith, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 25, 1994.

Army nominations beginning Brian J. Donohoe, and ending William N. Greene, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 25, 1994.

Army nominations beginning William D. Geeslin, and ending Earnestine Beatty, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 25, 1994.

Marine Corps nomination of Truman W. Crawford, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of August 5, 1994.

Marine Corps nominations beginning Heidi A. Aloise, and ending David E. Hart, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 12, 1994.

Navy nominations beginning William E. Adkins, and ending James M. Smith, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 12, 1994.

Navy nominations beginning Nathaniel E. Adamson, II, and ending Joseph A. Schweigart, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 12, 1994.

Navy nominations beginning Christopher Ja Altenhofen, and ending Byron Craig Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 12, 1994.

Navy nomination of Nushin F. Todd, which was received by the Senate and appeared in

the CONGRESSIONAL RECORD of September 14, 1994.

STATEMENT ON THE NOMINATION OF COL. ROBERT D. RODEKOHR IN THE WYOMING AIR NATIONAL GUARD

Mr. SIMPSON. Mr. President, I rise today to make a statement regarding the promotion of a truly fine friend and very dedicated officer, to the rank of full colonel in the Wyoming Air National Guard.

It is truly an occasion for special recognition when a fellow Wyomingite achieves the rank of full colonel in the Wyoming Air National Guard. But, when he does it in such an exemplary fashion, well, that makes the event even more memorable.

In honor of this special event, I ask the Senate to recognize lieutenant colonel—promotable—Robert D. Rodekohr. We are very proud of Bob Rodekohr in Wyoming.

Bob Rodekohr also happens to be very fortunate to have a truly wonderful, bright, and unique mother—Diane Rodekohr—who is my State coordinator for the several field offices that make up my State staff. Indeed, I am most privileged to have this remarkably competent and capable lady working for me.

Bob is a Wyoming native, born, raised, and educated in the equality State. He grew up in Cheyenne—the "Magic City of the Plains," and graduated from the University of Wyoming, with degrees from Sheridan College and Eastern Wyoming College "to boot." A true son of Wyoming.

He has been actively involved in the Air Guard since 1971 when he first entered basic military training. It was his father Keith's 37-year professional and highly successful career coupled with his own sincere commitment to the guard, which had a great influence on Bob Rodekohr to pursue a flying career with the Guard. His father is a fine man. Steady, well-regarded professional. Bob's dedicated spirit and professional attitude toward his military service have always given others the goal to emulate him.

In earlier stages of his career Bob served in a unique variety of staff and command positions ranging from an instructor pilot to deputy commander. The highly successful completion of his duties in these positions led to his current position of air/commander 153d Airlift Group, Wyoming Air National Guard. He has always been a key factor in his unit's successful operations and a true team player, one who puts the unit's mission above his own personal goals and objectives. That is truly something to admire in this world today.

Bob is qualified in a myriad of specialties as diverse as maintenance of turbo prop aircraft, water survival, advanced airlift tactics, air guard safety matters, and C–130 pilot skills. He has been awarded the Air Medal, the Air Force Commendation Medal, the Air Reserve Meritorious Service Medal, and a host of other deserved commendations that are too numerous to mention here.

Truly, one can see why we in Wyoming are so very proud of Bob Rodekohr. His splendid accomplishments include an active civic life where he contributes to the community through his membership in many clubs and associations. Some of these include the Rotary Club, the National Guard Association, the Wyoming National Guard Association—of which he is the immediate past president, the Air Force Association, the Cheyenne Chamber of Commerce, and a graduate of the Chamber's Leadership Cheyenne Program, to name but a few.

Mr. President, on behalf of the people of Wyoming it is with a great sense of pride and sincere admiration that I will be voting to confirm Lieutenant Colonel Rodekohr's promotion to full colonel.

LEGISLATIVE SESSION

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, 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. 2866. An act to provide for the sound management and protection of Redwood forest areas in Humboldt County, California, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system.

H.R. 5030. An act to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes.

H.R. 5034. An act to make certain technical amendments relating to the State Department Basic Authorities Act of 1956, the United States Information and Educational Exchange Act of 1948, and other provisions of law.

The message also announced that the House insists upon its amendments to the bill (S. 2060) to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LAFALCE, Mr. SMITH of Iowa, Mr. WYDEN, Mrs. MEYERS of Kansas, and Mr. BAKER as the manager of the conference on the part of the House.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4606), a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes, that the House recedes from its disagreement to the amendments of the Senate numbered 12, 13, 20, 32, 37, 66, 75, 78, 79, 80, 89, 91, 101, 108, and 124, and concurs therein; that the House recedes from its disagreement to the amendments of the Senate numbered 18, 26, 33, 35, 38, 51, 53, 54, 56, 63, 69, 70, 71, 73, 74, 81, 83, 86, 87, 88, 90, 93, 95, 96, 97, 98, 99, 100, 102, 103, 104, 107, 130, 135, 138, 139, 144, 148, 153, 154, 155, 156, and 157 to the bill, and has agreed thereto, each with an amendment, in which it requests the concurrence of the Senate.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of January 3, 1993, the Secretary of the Senate on September 22, 1994, during the recess of the Senate, received a message from the House of Representatives, announcing that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 1779. An act to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the "Jerry L. Litton United States Post Office Building";

H.R. 3679. An act to authorize appropriations to expand implementation of the Junior Duck Stamp Conservation Program conducted by the United States Fish and Wildlife Service;

H.R. 4190. An act to designate the building at 41–42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to amend title 39, United States Code, to make applicable with respect to the United States Postal Service exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes;

H.R. 4647. An act to direct the Secretary of the Interior to convey to the City of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge; and

H.J. Res. 363. Joint resolution to designate October 1994 as "Crime Prevention Month."

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The following enrolled bills and joint resolution, previously signed by the Speaker of the House, were signed on today, September 23, 1994, by the President pro tempore (Mr. BYRD):

H.R. 1779. An act to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the "Jerry L. Litton United States Post Office Building";

H.R. 3679. An act to authorize appropriations to expand implementation of the Junior Duck Stamp Conservation Program conducted by the United States Fish and Wildlife Service;

H.R. 4190. An act to designate the building at 41–42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to amend title 39, United States Code, to make applicable with respect to the United States Postal Service exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes;

H.R. 4647. An act to direct the Secretary of the Interior to convey to the City of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge; and

H.J. Res. 363. Joint resolution to designate October 1994 as "Crime Prevention Month."

ENROLLED BILLS SIGNED

At 1:25 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1406. An act to provide for the sound management and protection of Redwood forest areas in Humboldt County, California, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system.

S. 1703. An act to expand the boundaries of the Piscataway National Park, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 4:18 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4980. An act to designated the bridge on United States Route 231 which crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge."

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 725. An act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes; that the House recedes from its disagreement to the amendments of the Senate numbered 5, 18, 24, 29, 58, 83, 95, 96, and 101 to the bill, and concurs therein; that the House recedes from its disagreement to the amendments of the Senate numbered 11,15, 25, 26, 32, 33, 34, 37, 41, 42, 57, 70, 75, 76, 84, 89, 91, 94, 98, 100, and 102 to the bill, and has agreed thereto, each with an amendment, in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bills previously received from the House of Representatives, were read the first and second times by unanimous consent and referred as indicated:

H.R. 2866. An act to provide for the sound management and protection of Redwood forest areas in Humboldt County, California, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system; to the Committee on Energy and Natural Resources.

H.R. 4361. An act to amend title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member; to modify the voluntary leave transfer program with respect to employees who are members of the same family; and for other purposes; to the Committee on Governmental Affairs.

H.R. 4980. An act to designate the bridge on United States Route 231 which crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge", to the Committee on Environment and Public Works.

The following concurrent resolution, previously received from the House of Representatives, was read and referred as indicated:

H. Con. Res. 290. Concurrent resolution commending the President and the special delegation to Haiti, and supporting the United States Armed Forces in Haiti; to the Committee on Foreign Relations.

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–3343. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the transition to quieter airplanes; to the Committee on Commerce, Science, and Transportation.

EC–3344. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation entitled "The Bonneville Power Administration Appropriations Refinancing Act"; to the Committee on Energy and Natural Resources.

EC–3345. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report of informational copies of lease prospectuses; to the Committee on Environment and Public Works.

EC–3346. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a Presidential determination relative to Cuban migrants; to the Committee on Foreign Relations.

EC–3347. A communication from the Commissioner of the Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the report entitled "Dropout Rates in the United States: 1993"; to the Committee on Labor and Human Resources.

EC–3348. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals, dated September 1, 1994; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Armed Services, the Committee on Banking, Housing and Urban Affairs, the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Small Business.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2373. A bill to authorize appropriations for fiscal year 1995 for the United States Coast Guard, and for other purposes (Rept. No. 103–372).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 3433. A bill to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior.

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 1225. A bill to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission.

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 2403. A bill to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 2438. A bill to extend the authorities of the Overseas Private Investment Corporation through fiscal year 1995, and for other purposes.

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S.J. Res. 205. A joint resolution granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and

boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland, and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland.

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 74. A concurrent resolution concerning the ban on the use of U.S. passports in Lebanon.

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2433: A bill to amend title VIII of the Public Health Service Act to consolidate and reauthorize nursing education programs under such title, and for other purposes (Rept. No. 103-373).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Hazel Rollins O'Leary, of Minnesota to be the Representative of the United States of America to the 38th Session of the General Conference of the International Atomic Energy Agency.

Ivan Selin, of the District of Columbia, to be an Alternate Representative of the United States of America to the 38th Session of the General Conference of the International Atomic Energy Agency.

Nelson F. Sievering, Jr., of Maryland, to be an Alternate Representative of the United States of America to the 38th Session of the General Conference of the International Atomic Energy Agency.

John B. Ritch III, of the District of Columbia, to be an Alternate Representative of the United States of America to the 38th Session of the General Conference of the International Atomic Energy Agency.

Kenneth Spencer Yalowitz, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Belarus.

Nominee: Kenneth Spencer Yalowitz.

Post: Ambassador to the Republic of Belarus.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee.

1. Self, none.

2. Spouse: Judith G. Yalowitz, none.

3. Children and spouses: Andrew S. Yalowitz, none.

4. Parents: Henry and Audrey Yalowitz, both deceased.

5. Grandparents: Abraham and Tillie Socol, both deceased; Mr. & Mrs. Edward Yalowitz, both deceased.

6. Brother and spouse: Edward and Nancy Yalowitz, $150, 3/1/90, $150, 9/4/90, Paul Simon, U.S. Senate; $100, 11/22/91, Douglas Wilder, for President; $125, 2/27/92, Al Hofeld, U.S. Senate; $100, 11/5/93, John J. Cullerton, U.S. Congress Primary; $200, 3/4/94, $200, 3/10/94, John J. Cullerton, U.S. Congress; $500; 5/4/94, Democratic National Committee.

7. Sister and spouse: Melvin and Geraldine Garbow, $225, 1/90, Arnold and Porter Partners; $225, 4/90, $225, 6/90, $225, 9/90, $225, 1/91, $225, 4/91, $225, 6/91, $225, 9/91, $225, 1/92, $200, 4/92, $200, 6/92, $200, 9/92, $200, 1/93, $125, 4/94, Political Action Committee.

Alfred H. Moses, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Nominee: Alfred H. Moses.

Post: U.S. Ambassador to Romania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, Donee.

1. Self 250, 5/90, Bill Bradley for Senate; 100, 6/90, Friends of C. Van Hollen; 250, 6/90, Comm./Re-elect Wayne Owens; 100, 9/90, Solarz for Congress; 100, 3/91, AIPAC; 500, 6/91, Brock Adams Sen. Comm.; 100, 10/91 Citizens for Wofford; 250, 11/91, DEMOPAC; 100, 7/92, Solarz for Congress; 500, 8/92, Solarz for Congress; 120, 9/92, AIPAC; 250, 10/92, Wayne Owens for Congress; 1,000, 5/93, Lieberman '94; 100, 10/93, AIPAC; 100, 12/93, Friends of Jerry Harris; 100, 5/94, Friends of C. Van Hollen.

2. Spouse: Carol W. Moses, None.

3. Children and spouses;

Barbara Moses, 100, 1991, Feinstein for Senate Comm.; 100, 1991, Barbara Boxer for US Senate; 100, 1992, Ferraro for US Senate; 100, 1992, Boxer for US Senate; 500, 1992, McCarthy for Congress; 250, 1992, Elaine Baxter for Congress; 500, 1992, McCarthy for Congress; 100, 1992, Eschoo for Congress; 250, 1992, Elaine Baxter for Congress; 100, 1993, English for Congress; 1,000, 1994, McCarthy for Congress.

Jennifer and Stuart Green, none.

David and Daphne Moses, none.

Amalie and William Reichblum, none.

4. Parents: Helene Moses, none; Leslie W. Moses, decreased.

5. Grandparents—deceased.

6. Brothers and spouses; none.

7. Sisters and spouse:

Amalie Kass, $750, 1990, John Kerry; 500, 2/92, Clinton for Pres. Comm. 500, 6/92, Clinton for President; 1000, 7/92, Democratic National Committee; 250, 8/92, DNC Victory Fund; 4,000, 9/92, DNC National Victory Campaign.

Claire and William Lovett, none.

Charles E. Redman, of Florida, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

Nominee: Charles E. Redman.

Post: Federal Republic of Germany.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, Donee.

1. Self, none.

2. Spouse, none.

3. Children and Spouses: Melissa Redman, none; Vanessa Redman, none; Christina Redman, none.

4. Parents: Edgar B. Redman, none; Helen B. Redman, none.

5. Grandparents: Charles Baker, deceased; Shirley Baker, deceased; Charles Redman, deceased; Ada Redman, deceased.

6. Brothers and Spouses: Eric C. Redman, none; Mary Redman, none.

Marc Grossman, of Virginia, a career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey.

Nominee: Marc Grossman.

Post: Turkey.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, Donee.

1. Self, none, except check off on taxes.

2. Spouse, none, except check off on taxes.

3. Children: Anne Demet Grossman, age 2, none.

4. Parents: Melvin and Estelle Grossman; $15, 6/90, Re-elect Packwood Committee; $10, 8/90, People for; Boschwitz; $10, 10/90, Harvey Gant Campaign; $10, 9/91 Boxer for Senate; $15, 8/92, Democratic National Committee.

5. Grandparents: Mrs. Samuel Fisher, None. Other grandparents deceased.

6. Brothers and spouses; Larry Tannenbaum, step-brother/no spouse, none; David Tannebaum, step-brother/no spouse, none.

7. Sisters and spouses: Amy Longionotti, sister, $10, 1992, Lenora Filani; Rick Longionotti, brother-in-law, $25, 1993, Billy Manning; Sharon Tannebaum, step-sister/no spouse, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

Stanwood R. Duval, Jr., of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Sarah S. Vance, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

William C. Bryson, of Maryland, to be United States Circuit Judge for the Federal Circuit.

Salvador E. Casellas, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

Daniel R. Dominguez, of Puerto Rico, to be United States District Judge for the District of Puerto Rico

Robert N. Chatigny, of Connecticut, to be United States District Judge for the District of Connecticut.

John Gleeson, of New York, to be United States District Judge for the Eastern District of New York.

Frederic Block, of New York, to be United States District Judge for the Eastern District of New York.

Thomasina V. Rogers, of Maryland, to be Chairman of the Administrative Conference of the United States for the term of 5 years.

Allyne R. Ross, of New York, to be United States District Judge for the Eastern District of New York.

Shira A. Scheindlin, of New York, to be United States District Judge for the Southern District of New York.

Dominic J. Squatrito, of Connecticut, to be United States District Judge for the District of Connecticut.

Lois Jane Schiffer, of the District of Columbia, to be Assistant Attorney General.

Edward Joseph Kelly, Jr., of New York, to be United States Marshal for the Northern District of New York for the term of 4 years.

Walter D. Sokolowski, of Pennsylvania, to be United States Marshal for the Middle District of Pennsylvania for the term of 4 years.

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John Michael Bradford, of Texas, to be United States Attorney for the Eastern District of Texas for the term of 4 years.

Ronald Joseph Boudreaux, of Louisiana, to be United States Marshal for the Middle District of Louisiana for the term of 4 years.

Delissa A. Ridgway, of the District of Columbia, to be Chairman of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 1997.

John R. Lacey, of Connecticut, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 1995.

Aileen Catherine Adams, of California, to be Director of the Office for Victims of Crime.

John David Crews, Jr., of Mississippi, to be United States Marshal for the Northern District of Mississippi for the term of 4 years

Norris Batiste, Jr., of Texas to be United States Marshal for the Eastern District of Texas for the term of 4 years.

Michael Johnston Gaines, of Arkansas, to be a Commissioner of the United States Parole Commission for the remainder of the term expiring November 1, 1997.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Alan A. Diamonstein, of Virginia, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1995.

Robert C. Larson, of Michigan, to be a Member of the Thrift Depositor Protection Oversight Board for a term of 3 years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

Frederick F.Y. Pang, of Hawaii, to be an Assistant Secretary of Defense.

Paul G. Kaminski, of Virginia, to be Under Secretary of Defense for Acquisition and Technology.

(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.)

Mr. NUNN. Mr. President, for the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD of April 11, July 12, July 20, July 26, August 4, August 5, August 9, August 10, August 16, August 25, September 12, and September 14, 1994, 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. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of April 11, July 12, 20, and 26, August 4, 5, 9, 10, 16, and 25, September 12 and 14, 1994 at the end of the Senate proceedings.)

*Colonel Alex R. Garcia, USANG to be brigadier general (Reference No. 1107).

*Brigadier General Jeffrey G. Cliver, USAF to be major general (Reference No. 1338).

*Lieutenant General Carmen J. Cavezza, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 1538).

*In the Naval Reserve there are 5 promotions to the grade of rear admiral (list begins with James Paul Schear) (Reference No. 1407).

*Major General David A. Bramlett, USA to be lieutenant general (Reference No. 1582).

*In the Navy there are 19 promotions to the grade of rear admiral (list begins with David S. Bill) (Reference No. 1288).

*In the Army there are 29 promotions to the grade of major general (list begins with Clair F. Gill) (Reference No. 1520).

*In the Army Reserve there are 7 promotions to the grade of major general (list begins with Max Guggenheimer (Reference No. 1621).

*RADM (L) Harold W. Gehman, Jr., to be vice admiral (Reference No. 1767).

*In the Navy there is one promotion to the grade of rear admiral (Reference No. 1726).

**In the Air Force Reserve there are 98 promotions to the grade of colonel (list begins with Jack S. Arnold) (Reference No. 1265).

**In the Army there is 1 promotion to the grade of colonel (William C. Kirk) (Reference No. 529).

*Major General Ervin J. Rokke, USAF to be lieutenant general (Reference No. 1518).

*Vice Admiral Arthur K. Cebrowski, USN for reappointment to the grade of vice admiral (Reference No. 1519).

*Lieutenant General Robert M. Alexander, USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 1536).

*Major General Theodore G. Stroup, Jr., USA to be lieutenant general (Reference No. 1562).

**In the Air Force Reserve there are 3 appointments to the grade of lieutenant colonel (list begins with Marilyn J. Lythgoe) (Reference No. 1563).

**In the Army there is 1 appointment to the grade of major (Charles A. Jarnot) (Reference No. 1564).

**In the Naval Reserve there are 195 promotions to the grade of captain (list begins with William E. Adkins) (Reference No. 1565).

**In the Naval Reserve there are 578 promotions to the grade of commander (list begins with Nathaniel E. Adamson, II) (Reference No. 1566).

*Major General Edgar R. Anderson, Jr., USAF to be Surgeon General, United States Air Force and to be lieutenant general (Reference No. 1575).

*Major General Lester L. Lyles, USAF to be lieutenant general (Reference No. 1578).

*General Frederick M. Franks, Jr., USA to be placed on the retired list in the grade of general (Reference No. 1579).

*Lieutenant General William W. Hartzog, USA to be general (Reference No. 1580).

**In the Air Force Reserve there are 21 promotions to the grade of lieutenant colonel (list begins with Roy L. Alsop) (Reference No. 1583).

**In the Army there are 183 promotions to the grade of lieutenant colonel (list begins with Richard C. Adams) (Reference No. 1584).

**In the Army there are 184 promotions to the grade of lieutenant colonel (list begins with Eric R. Abraham) (Reference No. 1603).

**In the Army there are 290 promotions to the grade of major (list begins with Harold L. Abner) (Reference No. 1604).

*General David M. Maddox, USA to be placed on the retired list in the grade of general (Reference No. 1614).

*Major General Richard F. Timmons, USA to be lieutenant general (Reference No. 1615).

*Lieutenant General William W. Crouch, USA to be general (Reference No. 1616).

**In the Army there are 2 promotions to the grade of lieutenant colonel (list begins with Robert G. Kowalski) (Reference No. 1624).

**In the Army Reserve there are 5 appointments to the grade of colonel and below (list begins with Alfred S. Gervin) (Reference No. 1625).

**In the Marine Corps there is 1 promotion to the grade of colonel (Truman W. Crawford) (Reference No. 1626).

**In the Air Force there are 132 appointments to the grade of second lieutenant (list begins with Ines M. Agosto) (Reference No. 1643).

**In the Army there are 425 promotions to the grade of major (list begins with Curtis G. Abate) (Reference No. 1647).

*Major General Edwin E. Tenoso, USAF, to be lieutenant general (Reference No. 1652).

**In the Army Reserve there are 38 promotions to the grade of colonel and below (list begins with Thomas J. Anderson) (Reference No. 1664).

**In the Army Reserve there are 22 promotions to the grade of colonel and below (list begins with Michael Foss) (Reference No. 1665).

*Major General Thomas M. Montgomery, USA to be lieutenant general (Reference No. 1668).

**In the Air Force and Air Force Reserve there are 20 appointments to the grade of colonel and below (list begins with Angelita R. Gabatin) (Reference No. 1695).

**In the Army Reserve there are 43 promotions to the grade of colonel and below (list begins with Michael Austin) (Reference No. 1696).

**In the Army there are 6 promotions to the grade of lieutenant colonel and below (list begins with Irene F. Logan) (Reference No. 1697).

**In the Army Reserve there are 18 promotions to the grade of colonel and below (list begins with Brian J. Donohoe) (Reference No. 1698).

**In the Army there are 4 promotions to the grade of lieutenant colonel and below (list begins with William D. Geeslin) (Reference No. 1699).

*General Merrill A. McPeak, USAF to be placed on the retired list in the grade of general (Reference No. 1703).

*In the Air Force Reserve there are 27 appointments to the grade of major general and below (list begins with Robert W. Barrow) (Reference No. 1706).

*Colonel John D. Altenburg, Jr., USA to be brigadier general (Reference No. 1707).

*Colonel Gaylord T. Gunhus, USA to be brigadier general (Reference No. 1708).

*Colonel Patrick D. Sculley, USA to be brigadier general (Reference No. 1709).

*In the Army there are 39 promotions to the grade of brigadier general (list begins with John W. Mountcastle) (Reference No. 1710).

*Admiral Stanley R. Arthur, USN to be placed on the retired list in the grade of admiral (Reference No. 1711).

*Captain Noah Halbrook Long, Jr., USNR, to be rear admiral (lower half) (Reference No. 1712).

*Major General Robert A. McIntosh, USAFR to be Chief of Air Force Reserve (Reference No. 1722).

*In the Air Force Reserve there are 10 appointments to the grade of major general and below (list begins with Thomas W. Powers) (Reference No. 1723).

*Admiral Paul D. Miller, USN to be placed on the retired list in the grade of admiral (Reference No. 1724).

*Rear Admiral Walter J. Davis, Jr., USN to be vice admiral (Reference No. 1725).

*Captain John F. Eisold, USN to be rear admiral (Reference No. 1727).

**In the Air Force there are 32 promotions to the grade of lieutenant colonel and below (list begins with James S. Dalrymple) (Reference No. 1729).

**In the Marine Corps there are 9 appointments to the grade of second lieutenant (list begins with Heidi A. Aloise) (Reference No. 1730).

**In the Navy there are 882 promotions to the grade of lieutenant commander (list begins with Christopher J. Altenhofen) (Reference No. 1731).

*Lieutenant General John G. Lorber, USAF to be general (Reference No. 1741).

*Lieutenant General Howell M. Estes, III, USAF for reappointment to the grade of lieutenant general (Reference No. 1742).

*Major General Everett H. Pratt, Jr., USAF to be lieutenant general (Reference No. 1743).

*Major General Ronald W. Iverson, USAF to be lieutenant general (Reference No. 1744).

*In the Army there are 3 appointments to the grade of brigadier general (list begins with Warren A. Todd, Jr.) (Reference No. 1745).

**In the Navy there is 1 promotion to the grade of lieutenant commander (Nushin F. Todd) (Reference No. 1758).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

Gus A. Owen, of California, to be a Member of the Interstate Commerce Commission for the remainder of the term expiring December 31, 1997.

Thomas R. Carper, of Delaware, to be a Member of the Amtrak Board of Directors for a term of four years.

Anthony S. Earl, of Wisconsin, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

Celeste Pinto McLain, of California, to be a Member of the Amtrak Board of Directors for the remainder of the term expiring March 20, 1995.

Celeste Pinto McLain, of California, to be a Member of the Amtrak Board of Directors for a term of 4 years.

Vincent J. Sorrentino, of New York, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

(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.)

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably three nomination lists in the Coast Guard, which were printed in full in the CONGRESSIONAL RECORDS of August 9, and September 12, 1994, 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. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of August 9, and September 12, 1994 at the end of the Senate proceedings.)

The following regular officers of the United States Coast Guard for promotion to the grade of rear admiral:

Gordon G. Piche.

Paul M. Blayney.

The following regular officers of the United States Coast Guard for promotion to the grade of rear admiral (lower half):

Fred L. Ames.

Richard M. Larrabee, III.

John T. Tozzi.

Thomas H. Collins.

Ernest R. Riutta.

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs:

Kenneth W. Kizer, of California, to be Under Secretary for Health of the Department of Veterans Affairs for a term of 4 years.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's 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. LAUTENBERG:

S. 2450. A bill to prohibit delinquent taxpayers from receiving Federal benefits or employment, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. 2451. A bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of such Act, to protect against and compensate for economic losses from critical habitat designation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself and Mr. HATFIELD):

S. 2452. A bill to increase access to, control the costs associated with, and improve the quality of health care in States through health insurance reform, State innovation, public health and medical research, and for other purposes; read the first time.

By Mr. DASCHLE (for himself and Mr. LEAHY):

S. 2453. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and animal quarantine laws to provide for improved public health and food safety through the reduction of pathogens, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. MURRAY:

S. 2454. A bill to make technical corrections to an Act preempting State economic regulation of motor carriers; to the Committee on Environment and Public Works.

By Mr. KERRY (for himself and Mr. STEVENS):

S. 2455. A bill to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON:

S. 2456. A bill to direct the Secretary of Agriculture to carry out activities on certain federally owned lands to address the adverse effects of 1994 wildfires in the western portion of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DANFORTH:

S. 2457. A bill for the relief of Benchmark Rail Group, Inc.; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Mr. CAMPBELL, Mr. LUGAR, Mr. SHELBY, Mr. GRASSLEY, Mr. SIMPSON, Mr. BROWN, Mr. ROTH, Mr. KEMPTHORNE, Mrs. KASSEBAUM, Mr. BURNS, Mr. GORTON, Mr. LOTT, and Mr. EXON):

S. 2458. A bill to reform the concept of baseline budgeting, set forth strengthened procedures for the consideration of rescissions, provide a mechanism for dedicating savings from spending cuts to deficit reduction, and to ensure that only one emergency is included in any bill containing an emergency designation; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have thirty days to report or be discharged.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 2459. A bill to provide a 1-year extension of the applicability of the authority to transfer funds under the programs for block grants regarding mental health and substance abuse; to the Committee on Labor and Human Resources.

By Mr. McCAIN (for himself and Mr. DECONCINI):

S.J. Res. 221. A joint resolution to express the sense of the Congress in commemoration of the 75th anniversary of Grand Canyon National Park; considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 2450. A bill to prohibit delinquent taxpayers from receiving Federal benefits or employment, and for other purposes; to the Committee on Finance.

TAX COMPLIANCE ENFORCEMENT ACT OF 1994

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the Tax Compliance Enforcement Act of 1994, to improve compliance with Federal tax laws. The main purpose of the bill is to reduce the tax burden on the majority of honest Americans who comply with our tax laws, and who now must pay additional taxes because others are evading their responsibilities.

The Tax Compliance Enforcement Act of 1994 would improve compliance with our tax laws by making such compliance a condition of eligibility for certain Federal benefits, including grants, contracts, loans, commercial licenses, and professional licenses. Similarly, the bill would prohibit the Federal Government from hiring any person who is not in compliance with the tax laws. In addition, the bill would substantially increase criminal penalties for tax evasion and related offenses.

Mr. President, the level of noncompliance with our tax laws is a national scandal. About $100 billion of taxes owed is not collected each year. That is a huge figure—almost half of this year's budget deficit. Obviously, the existing system for enforcing our tax laws is not working as well as it should.

Current law already provides for penalties against those who fail to file a return, or who underpay their taxes. However, the probability of being prosecuted and convicted of a tax violation is relatively low. Neither the IRS nor prosecutors have the resources to identify and prosecute most offenders. As a result, many tax cheats have concluded that they can easily get away with either underpaying, or evading taxes altogether. All too often, they are right.

Mr. President, tax cheating may seem like a victimless crime to many Americans. But when people cheat on their taxes, they're not just cheating the government. They're cheating on their neighbors, their friends, and their family. They're cheating all American taxpayers. Because when one person fails to meet their responsibilities, it's left to everyone else to make up the difference. That's not fair. And the longer we let this unfairness continue, the worse the problem is likely to get.

Mr. President, we need to consider some new and innovative approaches to increasing tax compliance.

The premise of my legislation is simple: if you don't pay your Federal taxes, you will lose the opportunity for certain Federal benefits. Until you pay what is owed, you will not be hired as a new government employee. You will not win a government grant. You will not win a government contract. You will not get a government loan. Nor will you be awarded a commercial or professional license.

Mr. President, I want to make it clear that the prohibition on Federal employment would apply to new applicants only. Current Federal employees would not be affected.

Under my proposal, before any government agency provides any of these benefits, the agency would be required to ensure that the prospective beneficiary is in compliance with the tax laws. This information could be made available promptly by the Internal Revenue Service, so long as prospective beneficiaries authorize release of the information. This authorization could be provided as part of an application for a Federal benefit.

Mr. President, I developed this approach after consulting with experts in tax compliance, who believe that withholding Federal benefits could be a very useful mechanism for enhancing compliance. Many State tax officials also are enthusiastic about this approach. As these experts point out, many government contracts are very valuable, and, if forced to do so, prospective contractors will pay taxes owed in order to compete for them. Similarly, many job hunters will have a strong incentive to pay all back taxes in order to qualify for a government job.

Conditioning Federal benefits on tax compliance also makes sense as a matter of procurement and personnel policy. If a business or individual is unwilling to comply with our tax laws, there is every reason to fear that they lack the integrity necessary to be entrusted with important public responsibilities.

Mr. President, beyond establishing tax compliance as a condition of eligibility for Federal benefits, the legislation also includes provisions that would increase maximum criminal fines for tax evasion and related offenses. These fines have not increased for several years, so their real value has been reduced significantly. This bill simply would restore the real value of the penalties to account for inflation since they were last set by law. For example, the maximum fine for a corporation that attempts to evade taxes would be increased from $500,000 to $750,000. The corresponding maximum fine for tax evasion by an individual would increase from $250,000 to $325,000.

Mr. President, while the bill does not address tax-related civil penalties, I would support a corresponding increase in those penalties as well. Legislation to adjust a broad range of civil penalties, including tax penalties, already has been proposed by the administration as part of its Reinventing Government package, and currently is under consideration in the Congress.

Mr. President, I recognize that, given the lateness of the session, it may be difficult to move this legislation during the 103d Congress. However, I hope the Treasury Department and other interested parties will take a close look at the bill. The need to improve tax compliance is urgent, and I would like to see this legislation enacted as soon as possible.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2450

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 "Tax Compliance Enforcement Act of 1994".

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "person" includes an individual, partnership, corporation, association, or public or private organization.

(2) The term "current in payment" means a person either has no outstanding Federal tax obligation owed to the United States Treasury (including any associated interest and penalties), or is in compliance with a payment schedule established by the Internal Revenue Service with respect to an outstanding Federal tax obligation.

(3) The term "current in filing" means a person is in compliance with all filing requirements under sections 6071, 6072, and 6075 of the Internal Revenue Code of 1986.

(4) The term "delinquent taxpayer" means any person who is not current in payment or current in filing with respect to any Federal tax obligation (including any associated interest and penalties).

(5) The term "Federal benefit"—

(A) means the issuance of any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or as the result of appropriated funds of the United States; and

(B) does not include any retirement, welfare, social security, health, disability, veterans, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility.

(6) The term "Federal tax obligation" means a tax obligation arising from a tax imposed under the Internal Revenue Code of 1986.

(6) The term "Commissioner" means the Commissioner of the Internal Revenue Service.

SEC. 3. PROHIBITION OF GOVERNMENT EMPLOYMENT OR FEDERAL BENEFITS PROVIDED TO DELINQUENT TAXPAYERS.

(a) IN GENERAL.—No person shall receive any Federal benefit, nor be hired as an officer or employee of the Government of the United States, if that person is a delinquent taxpayer.

(b) COVERAGE.—The prohibition in subsection (a) shall apply to any department, agency, or office of the Government of the United States, including—

(1) the Legislative Branch of the United States, and

(2) the Judicial Branch of the United States.

(c) SUBGRANTEES AND SUBCONTRACTORS INCLUDED.—The prohibition in subsection (a) shall apply to any subgrantee or subcontractor, subject to reasonable limitations to be established by the Administrator of the General Services Administration.

(d) EXCEPTIONS.—The prohibition in subsection (a) may be waived by the appropriate head of the entity described in subsection (b), if the waiver is necessary to meet a critical governmental need.

(e) REGULATIONS.—The Commissioner shall promulgate such regulations as are necessary to carry out this Act.

(f) EFFECTIVE DATE.—This section shall be effective on and after the date which is one year after the date of enactment of this Act.

SEC. 4. INCREASES IN TAX-RELATED CRIMINAL FINES.

(a) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 of the Internal Revenue Code of

1986 (relating to attempt to evade or defeat tax) is amended by striking "$100,000 ($500,000 in the case of a corporation)" and inserting "$325,000 ($750,000 in the case of a corporation)".

(b) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 of the Internal Revenue Code of 1986 (relating to willful failure to file return, supply information, or pay tax) is amended—

(1) by striking "$25,000 ($100,000 in the case of a corporation)" in the first sentence and inserting "$125,000 ($250,000 in the case of a corporation)", and

(2) by inserting before the period at the end of the third sentence "and '$325,000 ($750,000 in the case of a corporation)' for '$125,000 ($250,000 in the case of a corporation)'".

(c) FRAUD AND FALSE STATEMENTS.—Section 7206 of the Internal Revenue Code of 1986 (relating to fraud and false statements) is amended by striking "$100,000 ($500,000 in the case of a corporation)" and inserting "$325,000 ($750,000 in the case of a corporation)".

(d) FRAUDULENT RETURNS, STATEMENTS, OR OTHER DOCUMENTS.—Section 7207 of the Internal Revenue Code of 1986 (relating to fraudulent returns statements, or other documents) is amended by striking "$10,000 ($50,000 in the case of a corporation)" both places it appears and inserting "$125,000 ($250,000 in the case of a corporation)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to offenses committed after the date of the enactment of this Act.•

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. 2451. A bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of such act, to protect against and compensate for economic losses from critical habitat designation, and for other purposes; to the Committee on Environment and Public Works.

ENDANGERED SPECIES ACT MORATORIUM

• Mrs. HUTCHISON. Mr. President, generations of farmers and ranchers in Texas and throughout the United States have tilled the soil and cleared the rangeland to support their families and feed and clothe America. From the raw earth, they have created some of the most productive farms and ranches in history. This land is their wealth—their property, which our government was formed to protect, just as it protects our homes from burglary and our money in banks from theft.

Our Founding Fathers knew the importance of private property. They fought foreign rulers to protect the fruits of their labors. The Constitution, drafted after that struggle, says that private property shall not be taken for public use, without just compensation.

This protection has been ignored by Congress and Washington rulemakers for too long. The U.S. Fish and Wildlife Service, which enforces the Endangered Species Act, is preparing to designate up to 800,000 acres from 33 Texas counties as critical habitat for the Golden-Cheeked Warbler. The Fish and Wildlife Service fought one family for over a year before they could build a home, costing the family almost $2,000, even though no warblers had ever been seen nearby.

Property owners should not have to fight the Government to build a new home on their land, or hire lawyers to convince bureaucrats that their farming is in compliance with regulations. Farmers in my State or yours should not live in fear of being treated like the farmer in California who was arrested in a Government raid for allegedly harming a kangaroo rat while he was plowing his field—a rat that is an endangered species for one reason—its feet are a millimeter longer than other, similar species. Instead of seizing land and arresting farmers, we should encourage private landowners to protect species and habitat with tax incentives, and whenever possible relocate threatened species to park lands.

Today Congressmen LAMAR SMITH, BILL ARCHER, DICK ARMEY, JOE BARTON, HENRY BONILLA, LARRY COMBEST, SAM JOHNSON, Senator GRAMM, and I are proposing legislation to stop this Government overreaching until we have the opportunity to revisit the Endangered Species Act. My bill puts a moratorium on the listing of new endangered and threatened species until reauthorization. It also puts a moratorium on the designation of critical habitat so that property owners will not lose control of their land.

Right now the Fish and Wildlife Service is proposing to list a species in the Panhandle of Texas—the Arkansas River shiner—that is used for fish bait. Water is scarce in the Panhandle; we cannot afford to give fish bait more protection than people. But once the shiner is designated, it will have more right to the water than the Panhandle farmers and ranchers and the people of Amarillo.

My bill puts a moratorium on critical habitat designation to prevent land from being pushed into second-class status. Designating critical habitat puts unjust limits on the use, market value, and transferability of property. The stigma of critical habitat should not be imposed by the Government that claims to protect property as a constitutional right. To prevent this theft from continuing, my bill requires compensation to landowners for the lost value of their land when it is designated critical habitat.

Opponents of compensation for takings of property argue that the Government cannot afford it. That is an unconstitutional argument I cannot understand. If we want to protect the critical habitat of endangered species, we have to pay for it. James Madison, in "The Federalist Papers," made it clear that the purpose of Government is to protect property. He said that "Government is instituted no less for protection of property than of the persons of individuals." If opponents of compensation are truly opposed to this principle, they can propose an amendment to the Constitution. But until it is passed, anything short of full compensation is to ignore the Constitution, which we are sworn to uphold.

The act currently requires all Federal agencies to consult with the Fish and Wildlife Service before taking actions, providing permits, or providing funding to insure that such actions do not jeopardize a species' existence. The Fish and Wildlife Service could use this authority to deny FHA or VA mortgages, farm erosion studies, or SBA loans. They have not done this yet; so far its only been used on large Government projects. But until this year they had not proposed to designate an area larger than some States as critical habitat. To prevent the Fish and Wildlife Service from expanding their powers even further, my bill limits the consultation requirement to Government actions and funding in excess of a half million dollars.

Mr. President, we need to make the real effect of the Endangered Species Act clear—not to farmers and ranchers in Texas, many of whom know too well what it means to them—but to rulemakers in Washington, most of whom have not set foot on a farm since their third-grade class field trip. It is no longer about protecting our treasured natural resources from harm; it is about Government and environmental programs taking control of our land. That is not only wrong; its unconstitutional We must put a stop to it until we have the opportunity to give the Fish and Wildlife Service a new direction.•

By Mr. GRAHAM (for himself and Mr. HATFIELD):

S. 2452. A bill to increase access to, control the costs associated with, and improve the quality of health care in States through health insurance reform, State innovation, public health, and medical research, and for other purposes; read the first time.

HEALTH INNOVATION PARTNERSHIP ACT OF 1994

Mr. GRAHAM. Mr. President, it is our purpose today to introduce the Health Innovation Partnership Act of 1994, and to offer these words of explanation in doing so.

Over the past year, there has been strong and persistent public sentiment in support of the goals of health care reform. Specifically, support has been strong for expanding health care coverage and access, cost containment, and improving the quality of health care. Unfortunately, Congress has been working tirelessly on national health care reform with the basic flawed premise that a consensus could be established on the means as well as the goals of health reform.

As a result, Congress has become fixed on thinking about health care reform from a single, centralized, one-size-fits-all, national model. This approach has taken a number of forms: managed competition, single payer, employer or individual mandate, pay or play, the expansion of Medicare or market reform. As I stated on the Senate floor back in July and August, this path to reform has been trampled by detail and controversy over the means to achieve the goals. The effect has almost buried the broad agreement on the necessity of achieving expanded health insurance coverage, cost containment, and healthier outcomes.

In fact, the most recent health reform effort seems to have abandoned the goals of health reform in an attempt to find the unattainable middleground reform mechanism. According to a statement by Senator DANIEL PATRICK MOYNIHAN in the September 14th CONGRESSIONAL RECORD, "The Mainstream Coalition proposal would be a step backward for New York and other progressive States that have already taken actions to expand coverage and contain costs."

In a nation as diverse as ours, one solution or means cannot be formulated for the wide range of health programs and needs in our country. Moreover, virtually all of these national health care reform proposal have as their centerpiece a variety of untested reform theories in American society.

As Yale professors Ted Marmor and Jerry Marshaw said in an editorial printed in the New York Times on June 12, 1994:

> If Congress adopts an unproven and untested . . . plan and it turns out to be the health care equivalent of a train wreck, it would be sensible to not have the country on the same train at the same time.

There is, Mr. President, a second path—a path which to date has almost been ignored but is the cornerstone of the legislation I am introducing with Senator HATFIELD today. That legislation, the Health Innovation Partnership Act, recognizes the primary and substantial experience of States in the organization, financing, and delivery of health services.

The case for a decentralized health care system is compelling. Our Nation has a wide and diverse range of health care problems that will require sensitivity to local culture, geographic and institutional variation in the creation of solutions. Our legislation, based on the principles of federalism, recognizes that what may work for one State may not work for another.

For example, Florida, Pennsylvania, Iowa, Rhode Island, and West Virginia have 50 percent more elderly per capita than do Alaska, Utah, Colorado, and Georgia. Addressing the long-term care needs and specific health care problems associated with aging would clearly be a greater point of emphasis in the former States than in the latter.

As former Governors and as Senators from States that have enacted substantial health reform plans, Senator HATFIELD and I believe the States have demonstrated creativity and ability to implement creative health care initiatives often in the face of stiff resistance from the Federal Government.

Our legislation would attempt to encourage and unleash State innovation through the provision of $50 billion in grant funding to States over a 5-year period to devise innovative health reform projects that would move toward the goals on increased health insurance coverage and access, cost containment, and improved health care quality.

As a result, our bill would attempt to change the Federal Government's role of being an impediment to State innovation to being a facilitator. At best, the Federal Government should provide technical assistance and enable States to be successful in achieving the goals of health reform. At the least, the Federal Government should remove some of the roadblocks to State reform and get out of the way.

The worst possible scenario is a situation where the Federal Government fails to enact any health care reform but maintains the roadblocks against States moving forward. In fact, if waivers are not granted to remove some of these barriers to reform in individual States, the entire or a large portion of these States' health reform programs would be placed in jeopardy. Doing nothing, as some are suggesting, would undoubtedly have negative health consequences.

Our legislation would authorize or reauthorize these waivers and remove other similar Federal obstacles for reforms in States such as Hawaii, New York, Maryland, Oregon, and Florida. For example, Florida needs Federal statutory changes that would enable the State to implement Governor Chiles's proposed Florida Health Security Act. The Florida initiative would allow 1.1 million previously uninsured lower-income Floridians to purchase quality, private coverage at discounted rates. For the people in these States and many other States contemplating reform, doing nothing is unacceptable.

In addition, the Graham-Hatfield bill would, at the end of the 5-year State innovation project period, require a report to Congress on the progress made by States with respect to expanding health insurance coverage and cost containment. This report would also include recommendations to Congress concerning any further action that should be taken regarding health care reform at either the Federal or State levels of government. Again, our emphasis is to focus on the goals of reform rather than the means.

As University of Pennsylvania scholar Dr. William Kissick said in his recent book "Medicine's Dilemmas," "The states are suitable ground for attempting innovations * * * and for struggling with their implementation, learning from their experience, and transmitting the lessons for the whole society." He adds, "The states represent manageable scale for health care reform, and each is at less risk for a major overreaction."

This Jeffersonian model or Federalist approach has long been recognized as an important mechanism to create what some refer to as a wellspring of innovation. James Madison recognized this in "Federalist 56" by anticipating how State laws might become models for Federal legislation.

Supreme Court Justice Louis Brandeis echoed this important founding principle in 1932 when he said, "It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country."

As for the remaining sections of our bill, they also continue to focus on the goals of national health reform. These sections—insurance reform, public health improvement, and medical research—would collectively expand access to health care, control costs, and improve the quality of health care.

To briefly highlight the section on public health, this title would seek to promote prevention, public health, cost effective treatment and improved overall health through four distinct approaches: First, strengthening the partnership with and capacity of local and State public health departments to carry out core public health functions; second, expanding access to preventive and primary care services for vulnerable and medically underserved communities; third, supporting applied research on prevention and effective public health interventions; and fourth, addressing public health work force needs and access problems.

Dr. C. Everett Koop and other members of the Health Project Consortium published an article in the New England Journal of Medicine last year noting that 70 percent of all illness is preventable and that there are about one million deaths annually that are preventable. That amounts to in excess of $600 billion annually in costs. However, our Nation now invests less than 1 percent of our total health care costs on public health. This comes at a time when our Nation is witnessing a resurgence of tuberculosis and other infectious diseases. The waste of both lives and money is incomprehensible and should be addressed this year.

Rather than investing wisely in prevention, our health care system is focused on sickness and acute medical care. The result has been a systematic shift of public and private spending toward acute and institutional medical care and away from the critical role of keeping communities safe and healthy.

In fact, the debate in Washington has not been about or focused on the provision of health care. At no point in the debate have we discussed how to reduce infant mortality, how to address the AIDS epidemic, what to do about the resurgence of tuberculosis or what steps to take with respect to Alzheimer's. The debate has been about mechanisms, bureaucratic schemes, financing, providers, the health insurance industry, and the polls.

I urge the Congress to think about this during the waning days of this legislative session and to allow the consideration of the incremental, yet potentially innovative, approach to health reform offered by Senator HATFIELD and me.

Before surrendering the floor to my friend and colleague, Senator HATFIELD, I would like to thank him and his staff for the pleasant and productive collaboration we have had in putting this legislative proposal together. I would also like to acknowledge Congressman PETER DEFAZIO of Oregon for agreeing to be the lead House sponsor for the bill.

I would also like to thank Congressman JIM MORAN for all the hard work he has put into the public health sections of this bill. My prayers the prayers of our colleagues, and best wishes go out to him and his family as they struggle with a serious illness to his daughter.

In addition, I would like to express my appreciation to Yale professors Ted Marmor and Jerry Mashaw for their insight and guidance, the National Governors' Association, the National Conference of State Legislators, the National Association of Insurance Commissioners, the public health organizations and supporters of medical research that have all put in long hours helping get this bill together for introduction.

Finally, I acknowledge the outstanding leadership, commitment, and effort that the majority leader brought to the health care debate. He has committed a substantial amount of his distinguished senatorial service toward achieving health care reform for a health care system that would better serve all Americans. It is my hope that our mutual goal of universal coverage, cost control, and of a healthier America will soon be attained.

Mr. President, I ask unanimous consent to have printed in the RECORD the bill summary and other related materials.

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

GRAHAM/HATFIELD HEALTH INNOVATION PARTNERSHIP ACT

Purpose: To proceed with health care reform that increases access, controls costs and improves the quality of health care in states through state innovation, public health, medical research and insurance reform.

States are making significant progress to reform their health care delivery systems. In light of the inability of Congress to enact comprehensive reform, this bill would provide the states with the flexibility to continue their reform efforts. It would also provide limited federal funding to assist states in this effort.

The bill includes the following provisions:

TITLE I—HEALTH INSURANCE REFORM

Establishment of National Minimum Standards—Congress would direct the National Association of Insurance Commissioners (NAIC) to develop national minimum standards with respect to renewability, portability, guaranteed issue, community rating, solvency and stop-loss. The Secretary of Health and Human Services (HHS) would review the standards developed by NAIC. Upon approval, these national minimum standards would be established for the states, but they would be given authority to enact and implement more progressive reforms than those specified. This is modeled after the Baucus Amendment to OBRA-90 relating to the development of Medicare Supplemental Insurance Standards or Medigap.

Medicare Select—The 1990 Medigap legislation created 10 standard Medicare supplemental benefit packages that could be offered nationwide. Managed care networks could offer these benefits to Medicare beneficiaries in 15 states. This program, Medicare Select, provides supplemental coverage to hundreds of thousands of Medicare beneficiaries, but the program would expire on December 31, 1994. This provision would reauthorize the program.

TITLE II—STATE INNOVATION

State Innovative Health Reform Projects—States interested in enacting health reform proposals that achieve the goals of increased health coverage and access, control costs and maintain or improve the quality of health care could submit their projects to the Secretary for Medicaid, Maternal Child Health Block Grant and Public Health Services Act waivers and approval. An approved State innovative project that can demonstrate the ability to meet the goals of health reform would receive grant monies from the Federal Government to encourage and help States fund the projects. $50 billion will be made available to states over a five-year period.

Limited State Health Care Waivers—States would also be allowed to pursue more limited State health care waivers that are likely to increase administrative efficiencies or provide guidance for the development of improved health delivery systems. The waiver application for both the comprehensive and limited waiver projects would be placed on an expedited approval process.

Evaluation, Monitoring and Compliance—The Secretary and an established State Health Reform Advisory Board would be responsible for monitoring the waiver projects. Waiver projects could be terminated by the Secretary for good cause and States would not be allowed to supplant State funding with grants received under this program.

Lessons from the States/Report to Congress—At the end of the five-year period, the Board would report to Congress on the progress made by States with respect to expanding health insurance coverage and cost containment. The Board would also make recommendations to Congress concerning any further action Congress should take concerning health care reform from the information and experiences drawn from the States.

Existing State Laws—Specific waivers would be granted to remove Federal obstacles to States for existing State laws, such as in Hawaii, Maryland, New York, Oregon, Florida and Washington. Without these waivers, the entire or a large portion of these States' health reform programs would be placed in jeopardy.

TITLE III—PUBLIC HEALTH, RURAL AND UNDERSERVED ACCESS IMPROVEMENT

Core Functions of Public Health—Core functions are those activities and programs that emphasize population-based health measures such as the investigation and control of threats to the health of communities such as communicable diseases (tuberculosis, HIV, measles, influenza), environmental hazards (air pollution, radon, radiation, waste and sewage disposal), toxic pollutants (lead-based paint, contaminated drinking water) and emerging patterns of acute and chronic disease and injury (food borne poisoning, cancer, heart disease).

Other Programs—Funding is also made available for comprehensive evaluation of disease prevention and health promotion programs, Schools of Public Health, Area Health Education Centers, Health Education Training Centers, Regional Poison Control Centers, school-related health services, Community and Migrant Health Centers, the National Health Service Corps, satellite primary care clinics and community health advisors.

Funding—This title is allocated $9 billion over a 5-year period.,

TITLE IV—MEDICAL RESEARCH

National Institute of Health (NIH) Funding—$6 billion are allocated over a 5-year period under this title to expand our national commitment to health research. Monies are allocated to the NIH Institutes and Centers on the same basis as annual appropriations. Five percent of the monies will be directed to extramural construction and renovation of research facilities, the National Library of Medicine and the Office of the Director.

TITLE V—FINANCING PROVISIONS

Tobacco Tax—The bill will be financed through a $1 tax on tobacco products. This tax is expected to raise $65 billion over five years.

[From the Wall Street Journal, Sept. 16, 1994]

SOME STATE HEALTH PLANS MAY BE STALLED IF CONGRESS FAILS TO PASS A BILL THIS FALL

(By George Anders)

Some ambitious health-reform plans in Oregon, Minnesota and Washington state may be stalled if Congress fails to pass federal health legislation this fall.

Oregon and Washington state legislatures already have passed laws that will require employers to pay much of the cost of health insurance for their workers. Minnesota, meanwhile, has begun taxing hospitals and other health-care providers to help finance coverage for the uninsured.

Opponents contend, however, that such measures exceed what states are allowed to do under existing federal laws.

Specifically, states aren't allowed to regulate health-insurance benefits provided by self-insured companies under the federal Employee Retirement Income Security Act, known as Erisa. Most big corporations choose to provide health coverage through such self-insured plans.

Until recently, state officials were confident that Congress this year would pass some sort of major federal health legislation to remove those obstacles. Now, though, that optimism has waned. "I'm not willing to give

up totally, but it's looking less and less likely," says Mary Jo O'Brien, Minnesota's commissioner of health.

If the Erisa issue isn't resolved, says Carl Volpe, director of health policy legislation for the National Governors' Association in Washington, D.C., "it slows down the ability of states to move ahead with any comprehensive health-care reform."

Analysts say Washington state's initiatives are likely to be affected most. A new state law would require all employers of more than 500 workers to cover much of the costs of health insurance for their workers, starting July 1. But if the state can't make that provision apply to sell-insured companies, it's likely to have little impact—especially if employers who currently use outside insurers are free to switch to self-insurance to avoid the state mandate.

"Without an Erisa exemption, we can't fully implement our act," said Washington state's health services commissioner, Bernadette Dochnal, in an interview earlier this summer.

LESS URGENT IN OREGON

In Oregon, an employer mandate wouldn't start taking effect until 1997, making the Erisa issue less urgent. Even so, "We realize that Erisa is the thing that's going to stop us from moving forward," says Roger Auerbach, senior policy adviser to Oregon Gov. Barbara Roberts.

Minnesota's health initiatives don't require employers to pay for workers' health insurance. But Minnesota's provider tax has been challenged in court by opponents, who contend the tax runs afoul of Erisa provisions. The state has won in court, but the case is being appealed.

If Congress doesn't give states more latitude to enact health plans without worrying about Erisa conflicts, "it would make everything substantially more difficult," Minnesota's Ms. O'Brien says. She adds: "I hope we don't get into a big battle between self-insured companies and the states, because we all want to get to the same place."

Mr. Auerbach says Oregon plans to host a conference next week in which health-reform strategists from 20 states will discuss ways to deal with potential Erisa roadblocks.

Some reform-minded states have begun negotiations with business interests, seeing if they can agree on limited federal legislation that gives states more room to enact health plans without running afoul of Erisa. Some state strategists are hoping that such a measure could be grafted onto nonhealth legislation, or even passed on its own, if Congress doesn't approve a broad health bill.

Some big-business interests aren't especially eager to help out. Larry Atkins, coordinator of the Corporate Health Care Coalition, which represents 20 large companies, said: "Our first position is: We'd prefer that states do nothing." He says large companies believe health initiatives ought be federally coordinated.

As a fall-back position, Mr. Atkins said, his group would like a mechanism in which self-insured companies that operate in many states needn't contend separately with each state's health plan. There might be a way, he says, in which multistate employers could win a single federal certification as meeting national standards and be free from additional state oversight.

In a pro-state gesture this week, Sen. Daniel Patrick Moynihan (D., N.Y.), in remarks inserted into the Congressional Record, said: "The failure to enact national reform shouldn't be allowed to prevent states from moving ahead with their own reforms. In fact, in the absence of universal coverage you must allow state flexibility, fostered by Erisa waivers."

Many health-policy analysts question, though, whether a majority of Congress is likely to act on that sentiment before legislators adjourn next month.

[From the New York Times, Sept. 16, 1994]

STATES AGAIN TRY HEALTH CHANGES AS CONGRESS FAILS

(By Robert Pear)

WASHINGTON, Sept. 15.—Efforts by the states to provide health care and health insurance for their residents have taken on new importance now that the most ambitious Federal plans to remake the nation's health care system have fizzled.

The states have been a source of innovation in health policy for nearly a decade. While their interest in the issue never waned, some held back this year, waiting for Congress to define a standard package of health benefits that would be guaranteed to all Americans under Federal law.

"The failure of Federal health care reform will place new pressures on states because the problems are not going away," Ronald M. Hollander, executive vice president of the Massachusetts Hospital Association, said last week. "We still have the problems of the uninsured and rising health costs."

Indeed, many state officials suspected all along that they could not count on Washington to solve their problems, and moved ahead on their own with innovations that are just now paying dividends.

California, Florida and Texas, for instance, have enrolled thousands of people in health insurance alliances that pool the purchasing power of small businesses, enabling them to get coverage at prices far lower than what they would otherwise pay. President Clinton and Congress are still bickering over the details and merits of such alliances, but more than 20 states have begun experimenting with them.

In addition, almost every state has passed a law tightening the regulation of health insurance, requiring insurers to sell coverage to small businesses and limiting the variation in rates.

The Clinton Administration said today that it would allow Florida to conduct a Medicaid experiment aimed at providing coverage for 1.1 million Floridians with no health insurance. Gov. Lawton Chiles said he expected to save $3.2 billion in Federal Medicaid money over five years by enrolling all Medicaid recipients in some form of managed care. The money would be used to subsidize private coverage for people who are now uninsured and ineligible for Medicaid.

Hawaii, Oregon, Rhode Island, Tennessee and a handful of other states have expanded their Medicaid programs—with Federal permission—to provide subsidized health insurance to people who would ordinarily be ineligible for Medicaid. Typically, these states require patients to enroll in some form of managed care, which limits their freedom to choose doctors and hospitals.

The Tennessee program, which went into effect last Jan. 1, covers 803,800 people who were formerly on Medicaid and 335,300 who had no health insurance. Gov. Ned McWherter, a Democrat, said that 94 percent of the state's residents were now insured. He predicted, "Tennessee will cover at least 95 percent of its citizens with health insurance by the end of 1994, seven years faster than the most aggressive goal set for the nation under legislation being debated in Congress."

In Oregon, 91,000 poor people have been added to the Medicaid program since February. That is 65 percent more than the state had expected.

"We had assumed that most of the people coming in would be singles and childless couples," said Jean I. Thorne, the Medicaid director in Oregon. "But two-thirds of the people have a child in the family, and a majority of the families are two-parent families."

At the same time, states are learning the limits of what they can do. The biggest limit, by far, is a 1974 Federal law that prevents states from regulating, taxing or interfering with the health plans set up by companies that serve as their own insurers, using their own assets to pay claims.

Big multistate companies pioneered the use of such self-insurance arrangements, but many companies with fewer than 100 employees have followed suit. As a result, states are unable to supervise or regulate the health benefits of huge numbers of people who live and work within their borders.

Companies like to serve as their own insurers because they can avoid state insurance regulations and premium taxes, can tailor benefits to meet their employees' needs and can get discounts through direct negotiations with doctors, hospital and others who provide health care.

Under the 1974 law, the Employee Retirement Income Security Act, known as Erisa, states cannot require self-insured companies to provide any specific health benefits, to contribute any particular amount of money or even to report basic data on their spending for employee health benefits.

Last year, for example, Washington State passed a law requiring companies to offer health insurance and pay at least half of the premiums for full-time workers and their families. In Oregon, an employer mandate is supposed to take effect in 1997 and 1998. Neither requirement can be enforced unless Congress grants exemptions from Erisa.

Gov. Mike Lowry of Washington, a Democrat, said, "If Congress would just remove the obstacles caused by Erisa, we could reform the health care system."

In November, Californians will vote on a ballot measure to establish a publicly financed program of health insurance for legal residents of the state. The American Association of Retired Persons, labor unions and consumer groups support the proposal for a "single payer" health care system like the one in Canada. Insurance companies, some hospitals, many businesses and some taxpayer groups oppose it.

The state might need an exemption from Erisa to operate the program. Supporters of the proposal said they would have a strong case in seeking such an exemption from Congress if California voters approved the ballot measure.

John C. Rother, chief lobbyist for the A.A.R.P., said: "We still need health care reform. If we can't get it at the Federal level, we want it at the state level."

Even as some states plowed ahead with health care legislation, others were waiting for the Federal Government to act.

Carol H. Malone, who monitors state activity for the accounting firm Coopers & Lybrand, said: "The pace of health care reform at the state level slowed in the first six months of 1994. The possibility of Federal health care reform put the brakes on reform at the state level.

"Rather than adopting comprehensive legislation as they did in 1992 and 1993, states for the most part opted to restructure their health care delivery and financing systems in incremental stages, through regulation of the health insurance industry, particularly

the small-group market, and through introduction of purchasing cooperatives."

A survey by the Blue Cross and Blue Shield Association concluded, "'Caution' is the byword in 1994, as states have overwhelmingly chosen incremental over broad-based reforms."

Last year Florida created 11 regional purchasing alliances for small businesses and self-employed people. Each alliance offers 100 to 150 health plans. But when Governor Chiles, a Democrat, tried to go further this year by proposing to provide subsidized coverage for uninsured people with incomes up to two and a half times the Federal poverty level, the proposal died in the Florida Legislature amid partisan conflict. Last year the Federal poverty level for a family of four was $14,764, and for an individual, $7,357.

Republicans denounced the proposal as welfare. Mr. Chiles, who is running for reelection, said Republicans had blocked the plan for political reasons. He will try again to win approval from the Legislature now that he has permission from the Federal Government.

In Vermont, efforts to guarantee health insurance for its residents collapsed earlier this year.

"We tried to do too much too quickly," said Sean P. Campbell, a Democrat who is majority leader of the State House of Representatives. "It was too big. We couldn't swallow it. We ended up spitting it out."

Massachusetts, like Vermont, was ahead of most states in trying to revamp its health care. In 1988, under Gov. Michael S. Dukakis, it passed a law requiring employers to insure their workers or pay a tax to finance a state insurance program.

The requirement became unpalatable when the state's economy foundered. It has repeatedly been delayed and is now scheduled to take effect in January, but will probably be changed or delayed again. Gov. William F. Weld, a Republican, opposes the requirement. He has proposed tax credits and subsidies to induce employers to provide health insurance.

In some states, officials can barely keep up with changes in the private health care market, where insurance companies, hospitals, clinics and drug companies are merging and devising all sorts of novel arrangements to control costs and promote the use of managed care.

[From the New York Times, Sept. 16, 1994]

THE STATES' APPROACH TO HEALTH CARE

Unwilling to wait for Federal action, many states are taking steps to expand health insurance coverage.

CALIFORNIA

In 1993, the state established a program to help businesses with fewer than 50 employees obtain health coverage for their employees through a voluntary purchasing pool. Employers who join the pool must agree to pay at least half the cost of the premium, and 70 percent of their employees must purchase coverage through the plan. A proposition is on the November ballot that would create a state-run health insurance system to provide care for all state residents.

FLORIDA

A 1993 law set up 11 health insurance purchasing alliances open to employers with fewer than 50 employees. This year an effort was made to expand coverage to one million uninsured people with incomes less than 2.5 times the Federal poverty level, but the proposal failed amid partisan wrangling in the State Legislature.

HAWAII

In 1974 the state enacted legislation requiring employers to offer full-time employees health insurance and pay at least 50 percent of an employee's premiums. In 1991 the State Health Insurance Program was established to cover part-time employees. Last year, the state set up a new program, Health Quest, to provide coverage for Medicaid recipients and other low-income people through a purchasing pool.

MINNESOTA

The state has set a goal of achieving universal coverage by July 1, 1997. In 1992, the state passed legislation to subsidize premiums for the uninsured and to let employers buy coverage from a state pool. A 1993 law encouraged competition by prodding doctors and hospitals to join together in networks offering standard benefit packages. The deadline for licensing the networks has been postponed until 1997, and the state has not figured out how to pay for all the changes.

NEW YORK

As part of a 1992 law, the state limits variations in health insurance premiums for individuals and small businesses. People with the same coverage who live in the same area are supposed to pay the same amounts without regard to age, sex, health status or occupation. Experts disagree on how well the law is working.

OREGON

In February, the state began a five-year experiment to expand eligibility for Medicaid to 120,000 low-income uninsured people. The state will pay only for services included on a list of 565 approved medical treatments and procedures. The state has also passed a law to require employers to provide basic health coverage to their workers or pay into a state insurance pool, but the employer mandate cannot be enforced unless Congress grants an exemption from Federal law.

TENNESSEE

The state's experimental health plan, known as TennCare, went into effect on Jan. 1. It covers former Medicaid recipients, people without insurance and those whose chronic illnesses make insurance unaffordable. Any Tennessean with income below the Federal poverty level may join at no cost. Other low-income people are expected to pay modest premiums and deductibles.

VERMONT

The state has been a leader in efforts to regulate health insurance and health spending. But the State Legislature deadlocked over proposals to guarantee coverage for all Vermonters this year, in part because the legislators could not agree on how to pay for new benefits.

WASHINGTON

Under a 1993 law, employers would be required to offer health insurance and to pay at least half of the premiums for full-time workers and their families. But the state needs permission from Congress to enforce such an employer mandate.

[From the Oregonian, Aug. 28, 1994]

FREE STATES TO ENACT HEALTH REFORM

IF CONGRESS FAILS TO ENACT HEALTH REFORM, IT SHOULD AT LEAST SMOOTH THE WAY FOR STATE EXPERIMENTS

If Congress does nothing else to fix America's ailing health care system this session—and it should do more—it should at least clear the path so that states can experiment with health care reform.

That requires removing the barrier that the 1974 Employee Retirement Income Security Act, or ERISA, poses to any substantial state health reform.

ERISA was intended primarily to impose federal oversight on large private pension funds. But it also makes it impossible for a state to require that companies help pay for their employees' insurance or that all companies offer insurance that meets at least a minimum level of benefits. Both elements are important features in the health plans of many states, including Oregon and Washington.

Each state that wants to enact significant health reform would need a special dispensation from Congress in order to pre-empt ERISA's requirements. Imagine this summer's contentious health care debate repeated five, six or seven times as states seek to try their own reforms. It's an ugly picture.

In fact, although health reform has been percolating in the states for years, only Hawaii, which has an employer mandate has an ERISA waiver, partly because its health plan was being instituted at the same time Congress was originally passing ERISA.

ERISA also has made it difficult to oversee the growing ranks of businesses that self-insure. By assuming risk themselves instead of paying private companies to insure risk, some companies are able to insure their employees more cheaply and respond better to employees' benefits needs.

But businesses also found themselves with a powerful incentive to hire young and healthy people. And some companies have used the ERISA shield to avoid paying health costs of very sick employees or to discriminate against certain kinds of illnesses.

Ideally, Congress would pass a bill this session bringing health coverage to all Americans. If Congress cannot achieve that goal, then it should at least remove the barriers that prevent Oregon and other states from fulfilling that promise for their residents.

[From the Los Angeles Times, July 7, 1994]

GIVE THE STATES A CRACK AT DEVISING REFORM

(By Theodore R. Marmor and Jerry L. Mashaw)

We have reached a point in the congressional struggle over health-care reform where there is enough opposition to defeat the Clinton Administration's plan but nothing like a firm majority for an alternative. With proposals emerging from the House Ways and Means Committee, Senate Finance Committee and three other committees, the press reports are confusing, the policy issues are unintelligible to most Americans and the chances of deadlock are considerable.

Can a workable version of national reform be enacted when no majority exists for any single plan? The answer is yes, but you'd never know it from the compromise proposals now making the rounds. The real challenge for reformers is to find a strategy that reflects whatever agreement there is on the goals of health reform and accommodate the disagreements on means. Instead, in the search for a plan that can pass, the compromisers focus on what seems doable politically rather than what is substantively desirable.

Three of these political compromises—which look appealing on the surface but are badly thought through—currently crowd the agenda:

Amending the definition of "universal coverage." Debates on this issue mask a substantive disagreement about how great a

role public compulsion, of either individuals or businesses, should play in ensuring coverage. A group in the Senate Finance Committee including John Chafee (R-R.I.) and John Breaux (D-La.) suggests giving up President Clinton's nearly 100% goal and substituting a 95% coverage "target" by 2002. This approach is misguided because it fails to confront either the large scale insecurity or the cost escalation problems that have driven reform. Who will the 5% left uncovered turn out to be? You? Me? The chronically ill? The usually well? Only if we know the answers to these questions would we know whether reform was likely to achieve its major goals. The methods proposed to increase coverage if it falls below the target percentage may also be misaimed—either ineffective (another study of the problem) or pointed in the wrong direction (employer mandates, which would fizzle if the uninsured were not workers).

A continuing aversion to straight talk about paying for reform. This was evident in President Clinton's original proposal that employers pay for the health insurance of their employees, reinforcing the delusion that because employers write checks for health insurance, they bear the costs. Then and now, it is we citizens who bear the costs, whether it's through direct taxes, increased prices or forgone wages and employment. The only relevant questions—then or now—concern the fairness and sustainability of the distribution of the costs. We will keep paying a steep price in confusion and discord until this crucial matter is understood. Those who want to avoid all mandates—individual or employer—have given us a scheme that is truly illusory: Tax 40% of the most expensive health-insurance plans to provide subsidies for low- and moderate-income Americans. But people in expensive plans may be there because they are ill, not because they are rich. And the game-playing that will go on by people trying to stay below the 60th percentile ought to reemploy any insurance company personnel laid off by other reforms.

Forgetting about the cost-control problems that prompted the reform movement in the first place. The continuing escalation of health costs, which still threatens the affordability of health insurance, has dropped out of the vocabulary of compromise. Words like moderate or centrist typically appear in descriptions of senators like Breaux, Chafee, David Durenberger (R-Minn.), Kent Conrad (D-N.D.) David Boren (D-Okla.) and others, but they don't fit the reforms sponsored by them, because they contain no serious approaches to cost control. Just as it does not make sense to cross a chasm in two steps rather than a leap, it is impossible to have workable health reform without slowing the rate of expenditure increases.

Is there a compromise that builds on agreed goals but permits enough variation of means to assemble a majority for reform? One possibility is state-led reform (in this, California is a leader, with its modified single-payer health-reform initiative on the November ballot). Congress could pass legislation that provided federal assistance to states that enacted universal coverage, insurance law reform and reasonable controls on costs. This would leave states free to choose which administrative and health-delivery changes they wanted to implement. By mandating basic reform principles without imposing their administration, state-led reform builds on the reformers' consensus about goals while allowing for wide differences in the means of achieving them.

States already have a significant track record in health reform, including Hawaii's near-universal coverage and employer mandates. Given the diversity of states, their varied experience with health care and intense local preferences, why enact a single brand of national health reform, especially if it's the poorly considered compromise that we seem to be headed toward?

By moving compromise in the direction of preserving goals rather than defining means, we can allow states the further thought and experimentation that are needed for effective implementation.

[From the New York Times, June 12, 1994]

50 LABS FOR REFORM

(By Jerry L. Mashaw and Theodore R. Marmor)

NEW HAVEN.—The debate over health care reform has reached a critical juncture. There is significant opposition in Congress to the Clinton plan without anything like consensus on an alternative.

How can a workable version of national reform be enacted when there's no majority for any single plan? The challenge for reformers is to find a strategy that reflects the political agreement on the goals of health reform as well as the disagreements on solutions.

The reformers are split into factions favoring managed competition, a single-payer system, expansion of Medicare and various hybrids of these approaches. But these divisions should not obscure the broad agreement among reformers on fundamental principles: universal coverage, reliable cost containment and radical reform of health insurance practices.

If a legislative proposal can be developed that brings together all those serious about health reform—no matter what option they favor—a majority can be created to overcome the resistance of reform's opponents. The trick, then, is to pursue legislation that builds on the reformers' common goals while recognizing their differences on how to achieve them administratively. One solution is the federalist option.

After all, the states have already achieved more on reform than Congress has. There is no reason to stop their progress, and every reason to encourage it. The federalist approach would set national standards for health insurance—that it be universal and portable (not based on residence or employment), cover all medical necessities and have effective cost-containment methods plus clear accountability for the quality of the overall system.

Having done that, the Government could promise to continue its current financial contributions to health care so long as the states met its conditions for acceptable plans. That would free states to experiment with any of the options the Administration has outlined—or any others, either existing or under development around the country.

In short, Mr. Clinton and Congress could acknowledge that medical organization and practices vary substantially in different geographical areas, as do demographics and political beliefs. They could develop a plan that motivated state experimentation, rather than mandating a single system for the entire country.

Mr. Clinton could insist that national legislation—Medicare, Medicaid, the Employee Retirement Income Security Act and the Internal Revenue Code—not get in the way of state innovation, but nonetheless impose sanctions on states that did not conform to broad national standards.

This approach recognizes that the nation does not yet know what works or will work everywhere. It would help the nation learn from successes and failures while avoiding the possible total failure of a plan imposed from Washington.

If Congress adopts an unproven and untested version of the Clinton plan and it turns out to be the health care equivalent of a train wreck, it would be sensible not to have the whole country on the same train at the same time.

Mr. HATFIELD. Mr. President, I would like to thank the Senator from Florida [Mr. GRAHAM] for his extraordinary effort that has helped bring about this moment when we can introduce what I think is a passable Health Care Reform Act.

The Senator from Florida has already outlined the simple five-point program—five points. It compares, of course, to the 1,400 page document that we have been wrestling with as representing the administration's proposal for health care reform. All of us, in our deep hearts, realize that it is almost impossible to comprehend, to define and to analyze every point of that comprehensive program.

I want to begin by commending the President, Mr. Clinton, and to Mrs. Clinton who, in this particular time of our history, have given the country a great deal to think about. They have elevated this issue to the highest level of public discussion and debate, which is fundamental for any important piece of legislation; that is, to have public understanding and public support.

I hear from my constituents a single theme, and that is: "We don't understand it." It is comprehensive. It is complex. They do not know how it is going to affect them personally and they do not know how it is going to play out in the long term.

Some of us who are burdened with age and also, thereby, with history, recall when we started the Medicare program many years ago with the Kerr-Mills bill. That was to set forth the first major step. In the Kerr-Mills bill, the States were authorized to move out and to make an assessment of need. I am proud to say that as Governor of Oregon, we were the first State to undertake that effort in that period of time.

But unlike the intent of the Kerr-Mills when it was first authorized and approved, there were those who could not wait for that data, for that State assessment to come in to the Federal institution of Congress in order to make and devise a comprehensive Medicare bill.

What happened? King-Anderson was introduced and that set the formulas, that set the criteria, that set the benefits, and it overrode and superseded the process started under Kerr-Mills. It was predicted at that time in the first 25 years of Medicare it would not cost more than $10 billion. Instead, it cost $65 billion, notwithstanding the fact that the process undertaken under Kerr-Mills could have produced a more

reliable base upon which to build a Medicare program.

Let us understand then that this year has not been unproductive. It has been very productive in elevating the issue and debating comprehensive health reform. But what Senator GRAHAM of Florida and I are attempting to do is to reach back in history and prove the fact again that the States, under this great Federal system, have pioneered, have taken the lead on the most progressive, some of the finest legislation in the history of this Nation.

It was the States that expanded first the franchise in expanding the democracy of our country, where, in the first instance, it was the white male property owner 21 years or older under the franchise. The States moved ahead. I am proud to say that that whole area of civil rights was at the State level. Oregon was the second State to have a Fair Employment Practice Act. We were one of the first States to have civil rights legislation. We were one of the first States to have initiative referendum and recall, broadening the base of our democracy. We were the first State to have environmental legislation. We made all of our beaches public access in 1912. We are celebrating our 54th year anniversary of a comprehensive Forest Management Conservation Program. That is long before the idea of the Environmental Protection Agency arose on the Federal level.

Anywhere you look, you will find the States pioneering these great efforts. Now we are saying let us set up a framework to push the States that have been reluctant or to encourage those States to move into health care reform and demonstrate a track record of what will work and what will not work. Oregon is only one of the first, joined by New York, Washington, Hawaii, Connecticut—on and on—Minnesota.

Let us encourage other States and take off the inhibitions and the difficulties, the impediments the Federal Government now places on those States that want to move out into health care reform, and then come back after a period of time and say, "Let us assess that record, let us evaluate that experience, and, more precisely, let us define the Federal role based on the experience at the State level."

That is all we are asking for. The Federal Government has not been able to act and I doubt very much if, in the remaining days of this Congress, we will act on comprehensive health care reform. But let us free up the States that they may fill the vacuum, that they may move ahead, as they are trying to do now.

We fought for almost a year to get a HCFA waiver for the State of Oregon to implement the Oregon Health Plan. We are still faced with the ERISA question. And we have to deal with those impediments now in place in the Federal Government lexicon of laws and give the States that freedom to move out under goals established and agreed to with the Federal Government.

So I believe that this is a major contribution to the debate. I think it is also a significant first step that can be incrementally then assessed at the end of 5 years; $1 on tobacco tax, will produce $65 billion in the next 5 years to provide those grants to the States, to assist those States to move out. And at the same time, we are not forgetting the cornerstone of cost containment: Medical research, medical research that brings about cure, that brings about better treatment for those who are suffering from disease.

That is the long-term answer to cost containment of medical problems and medical care: Cure them. I do not think when you look back at the record so far that the administration even recognized initially in their proposals the role of medical research. It was not until the night before the Republican task force announced the Republican plan that we were able to get the Republican task force to understand the importance of medical research.

We are only funding about one-out-of-five medical research proposals today, 80 percent of them going unfunded. And yet we are on the threshold of many breakthroughs. Breast cancer gene isolation, Alzheimer's progress, heart disease, cancer, AIDS—all of these diseases have been moving with great rapidity, and now we are at a level where we are going to have to cut back; we are going to have to restrict that effort and that progress of research. It is criminal that when we can move these research projects to completion, that we are now faced with the question of funding. That is why we have made this a part of our package, one of the five points.

I take great pleasure in associating myself with the Senator from Florida, Senator GRAHAM, who has, like myself, been a Governor of a State. We know what the States are capable of doing. We have the history of what the States have contributed. Social Security was first tried in the States. The income tax was first tried in the States, and unemployment comp, and I could go on and repeat those many areas of our life today which were, first of all, proven at the State level, and the Federal Government's role was better defined as a partnership to expand those great experiments at the State level.

Let us repeat that kind of historic progress that we can cite, and I believe this is the way to move medical reform ahead more quickly, more sensibly, and certainly with far less costs than any of the bills that we are looking at today in the Congress. In our rush to federalize health care reform, we may well have overlooked the best opportunity we have—federalism.

By Mr. DASCHLE (for himself and Mr. LEAHY):

S. 2453. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and animal quarantine laws to provide for improved public health and food safety through the reduction of pathogens, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE PATHOGEN REDUCTION ACT

• Mr. DASCHLE. Mr. President, today, along with Chairman LEAHY, I am introducing the Clinton administration's Pathogen Reduction Act of 1994. This act proposes important, concrete steps designed to enable the meat inspection system to address the incidence of human pathogens in our meat supply—such as E. coli 0157:H7 and salmonella. By creating the framework for a meat and poultry inspection system based upon sound science and technology, this legislation sets the stage for bringing our inspection program into the modern area.

Before turning to the content of the act, I would like to commend Senator LEAHY, chairman of the Senate Agriculture Committee for his longstanding leadership on food safety, which has been critical in bringing us to this point. The chairman's persistence on this issue has been responsible for keeping it at the top of the Agriculture Committee's agenda, and he will surely play a key role in securing the timely passage of this legislation.

Secretary Espy and the officials at USDA who prepared this legislation also deserve great credit. With this proposal, Secretary Espy is making good on his promise to modernize and improve the Nation's food safety inspection system. The Clinton administration has done more to modernize meat and poultry inspection in the last 2 years than any previous administration has done since the creation of the inspection system. This legislation is a continuation of the efforts made during the last 2 years.

The journey to this point began 1½ years ago with the outbreak of E. coli 0157:H7-related illnesses in Washington State, Idaho, and California. That outbreak caused over 500 people to become ill and 48 people to develop a potentially lethal hemolytic uremic syndrome. And, most tragically, it caused four young children to lose their lives. This painful catastrophe shocked the Nation and served as a warning that our meat and poultry inspection system contains dangerous flaws that we can no longer afford to ignore.

Since that date, as chairman of the Senate Agriculture Subcommittee on Conservation, Research, Forestry, and General Legislation, I have made evaluation and reform of the inspection system a priority. Over the past year and a half, the subcommittee has held four hearings to gather the input necessary to correct the problems in the

present system. In the legislation we are introducing today, we see the promising culmination of that long and frequently disturbing process.

The Pathogen Reduction Act would give the Secretary the authority to trace food-borne illnesses to their source, to recall contaminated meat and poultry products, to impose civil penalties for those who do not follow proper procedures, to set acceptable pathogen standards for meat and poultry products, and to require that imported meat and poultry products live up to the same standards required of domestic products. It so doing, it delivers on Secretary Espy's pledge before my subcommittee in February 1993, 3 days after the E. coli 0157:H7 outbreak in the Pacific Northwest, to support creation of a farm-to-table meat and poultry inspection system that reassures the public that the meat and poultry products they consume are safe.

This proposal is good news for consumers. However, we should also not overlook the benefits it offers our Nation's livestock producers.

I have often said that a faulty and lax food safety inspection system creates no winners, only losers. The most visible losers are the victims of foodborne illness. However, livestock producers lose as well.

Outbreaks of foodborne pathogen related illness erode consumer confidence in meat and poultry products and encourage consumers to reduce their consumption of these wholesome and delicious products. Consequently, demand for meat and poultry products decreases, translating into lower prices at the marketplace and lower net farm income.

This legislation will help protect farmers' markets by reassuring consumers that we have done everything possible to ensure the safety of meat and poultry products free of human pathogens.

Now it is time for Congress to take this promising initiative, evaluate its details and craft a final package that can be sent to the President. If we do not move legislation this year, we are running the risk of continued outbreaks of foodborne disease caused by human pathogens such as E. coli 0157. I, for one, don't want to take that risk. And I don't think anyone else in this body or in the agricultural community does either.

I am pleased to note that an identical piece of legislation has already been introduced in the House by Representative CHARLIE STENHOLM, paving the way for rapid action by that body.

In the Senate, I intend to help Chairman LEAHY move this legislation quickly and hope we can complete our job before adjournment. The American people and the American farmer cannot afford further delays.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as "The Pathogen Reduction Act of 1994".

TITLE I

LEGISLATIVE FINDINGS

SEC. 101. The Congress finds that:

(a) Pathogens are a significant source of foodborne illness associated with meat, meat food products, poultry, and poultry products.

(b) Proper handling of meat or products of cattle, sheep, swine, goats, horses, mules, or other equines, or poultry products which may bear or contain human pathogens is necessary to prevent foodborne illness.

(c) Livestock and poultry producers, handlers, processors, distributors, transporters, and retailers all share responsibility in handling livestock, meat, meat food products, poultry, and poultry products in such a way as to protect the public health.

(d) The distribution of meat, meat food products, poultry, or poultry products which could be injurious to the public health because they contain human pathogens, would impair the effective regulation of wholesome meat, meat food products, poultry, or poultry products in interstate and foreign commerce and would destroy markets for wholesome products.

(e) In order to reduce the risk of foodborne illnesses and protect public health, a concerted effort is required on the part of regulatory authorities and all parties involved in the production and handling of meat, meat food products, poultry, or poultry products to address the problem of microbial contamination using the best available scientific information and appropriate technology.

(f) All articles and other animals which are subject to this Act are either in interstate or foreign commerce or substantially affect such commerce, and regulation by the Secretary of Agriculture and cooperation by the States as contemplated by this Act are necessary to prevent or eliminate burdens upon such commerce and to protect the health and welfare of consumers.

AMENDMENTS TO THE FEDERAL MEAT INSPECTION ACT

SEC. 102. The Federal Meat Inspection Act (21 U.S.C. 601, et seq.) is amended:

(1) In section 1 (21 U.S.C. 601), by adding a definition of "official establishment" to read as follows:

"(w) The term 'official establishment' means any establishment as determined by the Secretary at which inspection of the slaughter of cattle, sheep, swine, goats, mules, and other equines, or the processing of meat and meat food products of such animals, is maintained under authority of this Act.";

(2) In section 3(a) (21 U.S.C. 603(a)), by inserting "on the basis of the best available scientific and technologic data, and evaluation of the risks posed to public health and safety," after the words "That hereafter,".

(3) In section 4 (21 U.S.C. 604), by inserting ", on the basis of the best available scientific and technologic data, and evaluation of the risks posed to public health and safety," after the words "That for the purposes hereinbefore set forth".

(4) In section 301(c)(1), (21 U.S.C. 661(c)(1)), by inserting "or by thirty days prior to the expiration of two years after enactment of the Pathogen Reduction Act of 1994," after the words "the Wholesome Meat Act,".

(5) In section 301(c), (21 U.S.C. 661(c)), by deleting "titles I and IV", "title I and title IV", and "title I and IV", wherever they appear and inserting in lieu thereof "titles I, IV, and V".

(6) By adding at the end thereof a new title V to read as follows:

"TITLE V—PATHOGEN REDUCTION

"SEC. 501. (a) The Secretary is directed upon the basis of the best available scientific and technologic data, as determined by the Secretary, to prescribe by regulation such actions as the Secretary deems necessary to—

"(1) limit the presence of human pathogens in cattle, sheep, swine, goats, horses, mules, or other equines at the time they are presented for slaughter;

"(2) ensure that appropriate measures are taken to control the presence and growth of human pathogens on carcasses and parts thereof and on meat or meat food products derived from such animals prepared in any official establishment;

"(3) ensure that all ready-to-eat meat or meat food products prepared in any official establishment preparing any such article for distribution in commerce are processed in such a manner as to destroy any human pathogens likely to cause foodborne illness; and

"(4) ensure that meat and meat food products other than those included in subsection (a)(3) of this section prepared any official establishment preparing any such article for distribution in commerce are labeled with instructions for handling and preparation for consumption which, when adhered to, destroy any human pathogens likely to cause foodborne illness.

"(b) Carcasses or parts thereof and meat or meat food products prepared at any official establishment preparing any such article for distribution in commerce which are found not to be in compliance with the regulations promulgated under subsection (a)(2), (a)(3), or (a)(4) of this section shall be considered adulterated and condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That carcasses or parts thereof, and meat and meat food products which are not in compliance with subsection (a)(2), (a)(3), or (a)(4) of this section, but which may by processing, labeling, or both, as applicable, in accordance with subsection (a)(2), (a)(3), or (a)(4) of this section be made not adulterated need not be condemned and destroyed if so reprocessed, labeled, or both, as applicable and as determined by the Secretary, under the supervision of an inspector and thereafter inspected and found to be not adulterated. If an appeal be taken from such determination of condemnation, the carcasses or parts thereof, or meat and meat food products shall be appropriately marked, segregated and held by the official establishment pending completion of an appeal inspection. If the determination of condemnation is sustained, the carcasses or parts thereof, and meat and meat food products if not so reprocessed, labeled, or both, as applicable, as to be made not adulterated shall be destroyed for human food purposes under the supervision of a duly authorized representative of the Secretary.

"(c) The Secretary shall, within two years of the enactment of this Act, issue regulations that—

"(1) require meat and meat food products prepared in any official establishment to be tested, in such manner and with such frequency as the Secretary deems necessary, to identify human disease-causing pathogens or markers for these pathogens in the meat and meat food products;

"(2) require that the results of any test conducted in accordance with subsection (c)(1) of this section be reported to the Secretary, in such manner and with such frequency as the Secretary deems necessary;

"(3) establish, to the maximum extent scientifically supportable, levels of human pathogens that, when found on meat or meat food products prepared in official establishments, constitute a threat to public health. When making decisions regarding specific human pathogen levels, the Secretary shall consider the risk to human health, including the risk to infants, the elderly, persons whose immune systems are compromised, and other population subgroups, posed by consumption of the meat or meat food products containing the human pathogen; and

"(4) prohibit or restrict the sale, transportation, offer for sale or transportation, or receipt for transportation of any meat or meat food products that—

"(A) are capable of use as human food, and

"(B) exceed the levels of human pathogens established in accordance with subsection (c)(3) of this section.

"(d)(1) The Secretary shall, as the Secretary deems necessary and feasible, conduct or support appropriate research regarding the establishment of levels of human pathogens that when found on meat and meat food products prepared in official establishments constitute a threat to public health and shall conduct studies to validate these levels.

"(2) The Secretary is directed to review, on a regular basis, all regulations, processes, procedures and methods designed to limit and control human pathogens on carcasses and parts thereof and on meat or meat food products. This on-gong review shall include, as necessary, epidemiologic and other scientific studies to ascertain the efficiency and efficacy of such regulations, processes, procedures and methods.

"(3) The Secretary shall consult with the Public Health Service, the Centers for Disease Control and Prevention, the Food and Drug Administration, and any other State or Federal public health agency the Secretary deems necessary in order to carry out subsections (c)(1), (c)(3), (d)(1), and (d)(2) of this section.

"NOTIFICATION, DISTRIBUTION, AND RECALL REGARDING NONCONFORMING ARTICLES

"SEC. 502. (a) Any person, firm, or corporation preparing carcasses or parts thereof, meat or meat food products for distribution in commerce which obtains knowledge providing a reasonable basis for believing that any carcasses or parts thereof or any meat or meat food products—

"(1) are adulterated, or not produced in compliance with section 501(a) of this Act or the regulations promulgated thereunder; or

"(2) are misbranded, shall immediately notify the Secretary, in such manner and by such means as the Secretary may by regulation prescribe, of the identity and location of such articles.

"(b) If the Secretary finds, upon such notification or otherwise, that any carcasses or parts thereof or any meat or meat food products—

"(1) are adulterated or not produced in compliance with section 501(a) of this Act or the regulations promulgated thereunder and that there is a reasonable probability that human consumption of such articles present a threat to the public health, as determined by the Secretary; or

"(2) are misbranded, the Secretary shall provide the appropriate person, firm, or corporation with an opportunity to cease distribution of such articles; notify all persons, firms, or corporations transporting or distributing such articles or to which such articles were shipped or sold to immediately cease distribution of such articles; and to recall the articles. If the person, firm, or corporation refuses to voluntarily cease distribution, make notification, and recall the articles or does not voluntarily cease distribution, make notification, and recall the articles within the time or in the manner prescribed by the Secretary, the Secretary shall immediately issue an order requiring the person, firm, or corporation (including the official establishment which prepared the articles), as the Secretary deems necessary to: immediately cease distribution of such articles; and immediately notify all persons, firms, or corporations transporting or distributing such articles or to which such articles were shipped or sold to immediately cease distribution of such articles. The order shall provide any person, firm, or corporation subject to the order with an opportunity for an informal hearing, to be held not later than 5 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require recall of such articles. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

"(c) If, after providing an opportunity for an informal hearing under subsection (b) of this section, the Secretary determines that the articles that are the subject of an order under subsection (b) of this section must be recalled, the Secretary shall amend the order to require a recall. The Secretary shall—

"(1) specify a timetable in which the recall will occur;

"(2) require periodic reports to the Secretary describing the progress of the recall; and

"(3) provide for notice to consumers to whom such articles were, or may have been distributed as to how they should treat the article.

"LIVESTOCK TRACEBACK

"SEC. 503. (a) For the purpose of limiting the risk of foodborne illness from carcasses and parts thereof and meat and meat food products distributed in commerce, the Secretary shall, as the Secretary deems necessary, prescribe by regulation that cattle, sheep, swine, goats, horses, mules, and other equines presented for slaughter for human food purposes be identified in the manner prescribed by the Secretary to enable the Secretary to trace each animal to any premises at which it has been held for such period prior to slaughter that the Secretary deems necessary to effectuate the purposes of this Act. The Secretary may prohibit or restrict entry into any slaughtering establishment inspected under this Act of any cattle, sheep, swine, goats, horses, mules, or other equines not identified as prescribed by the Secretary.

"(b) The Secretary is authorized to require that all persons, firms, and corporations required to identify livestock pursuant to subsection (a) of this section maintain accurate records, as prescribed by the Secretary, regarding the purchase, sale, and identification such livestock; and all persons, firms, and corporations subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to their places of business and opportunity to examine the records thereof, and to copy any such records. Any such record required to be maintained by this section shall be maintained for such period of time as the Secretary prescribes.

"(c) No person, firm, or corporation shall falsify or misrepresent to any other person, firm, or corporation, or to the Secretary, any information as to any premises at which any cattle, sheep, swine, goats, horses, mules, or other equines, or carcasses thereof, were held.

"(d) No person, firm, or corporation shall, without authorization from the Secretary, alter, detach, or destroy any records or other means of identification prescribed by the Secretary for use in determining the premises at which were held any cattle, sheep, swine, goats, horses, mules, or other equines, or the carcasses thereof.

"(e)(1) If the Secretary finds any human pathogen or any residue in any cattle, sheep, swine, goats, horses, mules, or other equines at the time they are presented for slaughter or in any carcasses, parts of carcasses, meat, or meat food product prepared in an official establishment and the Secretary finds that there is a reasonable probability that human consumption of any meat or meat food product containing the human pathogen or residue presents a threat to public health, the Secretary may take such action as the Secretary deems necessary to determine the source of the human pathogen or residue.

"(2) If the Secretary identifies the source of any human pathogen or residue described in subsection (e)(1) of this section, the Secretary is authorized to prohibit or restrict the movement of any animals, carcasses, parts of carcasses, meat, meat food product, or any other article from any source of the human pathogen or residue until the Secretary determines that the human pathogen or residue at the source no longer presents a threat to public health.

"(f)(1) The Secretary shall use any means of identification and recordkeeping methods utilized by producers or handlers of cattle, sheep, swine, goats, horses, mules, or other equines whenever the Secretary determines that such means of identification and recordkeeping methods will enable the Secretary to carry out the purposes of this section.

"(2) The Secretary is authorized to cooperate with producers or handlers of cattle, sheep, swine, goats, horses, mules, or other equines, in which any human pathogen or residue described in subsection (e)(1) of this section is found, to develop and implement methods to limit or eliminate the human pathogen or residue at the source.

"REFUSAL OR WITHDRAWAL OF INSPECTION

"SEC. 504. (a) The Secretary may for such period, or indefinitely, as the Secretary deems necessary to effectuate the purposes of this Act, refuse to provide, or withdraw, inspection service under title I of this Act with respect to any official establishment if the Secretary determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that the applicant or recipient, or any person responsibly connected with the applicant or recipient, has repeatedly failed to comply with the requirements of this Act or the regulations promulgated thereunder.

"(b) The Secretary may direct that, pending opportunity for an expedited hearing with respect to any refusal or withdrawal of

inspection service and the final determination and order under subsection (a) of this section and any judicial review thereof, inspection service shall be denied or suspended if the Secretary deems such action necessary in the public interest in order to protect the health or welfare of consumers or to assure the safe and effective performance of official duties under this Act.

"(c) The determination and order of the Secretary with respect to withdrawal or refusal of inspection service under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within 30 days after the effective date of the order; and inspection service shall be withdrawn or refused as of the effective date of the order pending any judicial review of the order unless the Secretary directs otherwise. Judicial review of any such order shall be in the United States Court of Appeals for the circuit in which the applicant for, or recipient of, inspection service has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit and shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

"(d) The provisions of this section shall be in addition to and not derogate from any other provision of this Act for refusal, withdrawal, or suspension of inspection service under title I of this Act.

"CIVIL PENALTIES

"SEC. 505. (a) Any person, firm, or corporation which violates any provision of this Act, any regulation issued under this Act, or any order issued under section 502(b) or (c) of this Act may be assessed a civil penalty by the Secretary of not more than $100,000 per day of violation. Each offense shall be a separate violation. No penalty shall be assessed unless such person, firm, or corporation is given notice and opportunity for a hearing on the record before the Secretary in accordance with sections 554 and 556 of title 5, United States Code. The amount of such civil penalty shall be assessed by the Secretary by written order, taking into account the gravity of the violation, degree of culpability, and history of prior offenses; and may be reviewed only as provided in subsection (b) of this section.

"(b) Any person, firm, or corporation against whom such violation is found and a civil penalty assessed by order of the Secretary under subsection (a) of this section may obtain review in the Court of Appeals of the United States for the circuit in which such party resides or has a place of business or in the United States Court of Appeals for the District of Columbia Circuit by filing a notice of appeal in such Court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such Court a certified copy of the record upon which such violation was found and such penalty assessed. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence on the record as a whole.

"(c) If any person, firm, or corporation fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate Court of Appeals has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall institute a civil action to recover the amount assessed in any appropriate district court of the United States. In such collection action, the validity and appropriateness of the Secretary's order imposing the civil penalty shall not be subject to review.

"(d) All penalties collected under authority of this section shall be paid into the Treasury of the United States.

"(e) Nothing in this Act shall be construed as requiring the Secretary to report for criminal prosecution or for the institution of libel or injunction proceedings, violations of this Act, whenever the Secretary believes that the public interest will be adequately served by assessment of civil penalties. Furthermore, the Secretary may, in the Secretary's discretion, compromise, modify, or remit, with or without conditions, any civil penalty assessed under this section.".

AMENDMENTS TO THE POULTRY PRODUCTS INSPECTION ACT

SEC. 103. THE POULTRY PRODUCTS INSPECTION ACT (21 U.S.C. 451 ET SEQ.) IS AMENDED:

(1) In section 5(c) (21 U.S.C. 454(c)), by deleting "and 12–22 of this Act" and inserting in lieu thereof "12–22, and 30–34 of this Act".

(2) In section 5(c)(1) (21 U.S.C. 454(c)(1)), by inserting "or by thirty days prior to the expiration of two years after enactment of the Pathogen Reduction Act of 1994," after the words "the Wholesome Poultry Products Act,".

(3) In section 6(a) (21 U.S.C. 455(a)), by inserting "on the basis of the best available scientific and technologic data, and evaluation of the risks posed to public health and safety," after the word "necessary".

(4) In section 6(b) (21 U.S.C. 455(b)), by inserting "on the basis of the best available scientific and technologic data, and evaluation of the risks posed to public health and safety," after the words "The Secretary,".

(5) By adding at the end thereof new sections 30 through 34 as follows:

"PATHOGEN REDUCTION

"SEC. 30. (a) The Secretary is directed upon the basis of the best available scientific and technologic data, as determined by the Secretary, to prescribe by regulation such actions as the Secretary deems necessary to—

"(1) limit the presence of human pathogens in poultry at the time they are presented for slaughter;

"(2) ensure the appropriate means are taken to control the presence and growth of human pathogens on poultry or poultry products prepared in any official establishment;

"(3) ensure that all ready-to-eat poultry and poultry products prepared in any official establishment preparing any such article for distribution in commerce are processed in such a manner as to destroy any human pathogens likely to cause foodborne illness; and

"(4) ensure that poultry and poultry products other than those included in subsection (a)(3) of this section prepared at any official establishment preparing any such article for distribution in commerce are labeled with instructions for handling and preparation for consumption which, when adhered to, destroy any human pathogens likely to cause foodborne illness.

"(b) Poultry or poultry products prepared at any official establishment preparing any such article for distribution in commerce which are found not to be in compliance with the regulations promulgated under subsection (a)(2), (a)(3), or (a)(4) of this section shall be considered adulterated and condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That poultry and poultry products which are not in compliance with subsection (a)(2), (a)(3), or (a)(4) of this section but which may by reprocessing, labeling, or both, as applicable, in accordance with subsection (a)(2), (a)(3), or (a)(4) of this section be made not adulterated need not be condemned and destroyed if so reprocessed, labeled, or both, as applicable and as determined by the Secretary, under the supervision of an inspector and thereafter inspected and found to be not adulterated. If an appeal be taken from such determination of condemnation, the poultry or poultry products shall be appropriately marked, segregated, and held by the official establishment pending completion of an appeal inspection. If the determination of condemnation is sustained, the poultry and poultry products if not so reprocessed, labeled, or both, as applicable, as to be made not adulterated shall be destroyed for human food purposes under the supervision of a duly authorized representative of the Secretary.

"(c) The Secretary shall, within two years of the enactment of this Act, issue regulations that—

"(1) require poultry and poultry products prepared in any official establishment to be tested, in such manner and with such frequency as the Secretary deems necessary, to identify human disease-causing pathogens or markers for these pathogens in the poultry and poultry products;

"(2) require that the results of any test conducted in accordance with subsection (c)(1) of this section be reported to the Secretary, in such manner and with such frequency as the Secretary deems necessary;

"(3) establish, to the maximum extent scientifically supportable, levels of human pathogens that, when found on poultry and poultry products prepared in official establishments, constitute a threat to public health. When making decisions regarding specific human pathogen levels, the Secretary shall consider the risk to human health, including the risk to infants, the elderly, persons whose immune systems are compromised, and other population subgroups, posed by consumption of the poultry or poultry products containing the human pathogen; and

"(4) prohibit or restrict the sale, transportation, offer for sale or transportation, or receipt for transportation of any poultry or poultry products that—

"(A) are capable of use as human food, and

"(B) exceed the levels of human pathogens established in accordance with subsection (c)(3) of this section.

"(d)(1) The Secretary shall, as the Secretary deems necessary and feasible, conduct or support appropriate research regarding the establishment of levels of human pathogens that when found on poultry and poultry products prepared in official establishments constitute a threat to public health and shall conduct studies to validate these levels.

"(2) The Secretary is directed to review, on a regular basis, all regulations, processes, procedures and methods designed to limit and control human pathogens on poultry and poultry products. This ongoing review shall include, as necessary, epidemiologic and other scientific studies to ascertain the efficiency and efficacy of such regulations, processes, procedures and methods.

"(3) The Secretary shall consult with the Public Health Service, the Centers for Disease Control and Prevention, the Food and Drug Administration, and any other State or

Federal public health agency the Secretary deems necessary in order to carry out subsections (c)(1), (c)(3), (d)(1), and (d)(2) of this section.

"NOTIFICATION, DISTRIBUTION, AND RECALL REGARDING NONCONFORMING ARTICLES

"SEC. 31. (a) Any person preparing poultry or poultry products for distribution in commerce which obtains knowledge providing a reasonable basis for believing that any poultry or poultry products—

"(1) are adulterated or not produced in compliance with section 30(a) of this Act or the regulations promulgated thereunder; or

"(2) are misbranded, shall immediately notify the Secretary, in such manner and by such means as the Secretary may be regulation prescribe, of the identity and location of such poultry or poultry products.

"(b) If the Secretary finds, upon such notification or otherwise, that any poultry or poultry products—

"(1) are adulterated or not produced in compliance with section 30(a) of this Act or the regulations promulgated thereunder and that there is a reasonable probability that human consumption of such articles present to threat to the public health, as determined by the Secretary; or

"(2) are misbranded, the Secretary shall provide the appropriate person with an opportunity to cease distribution of such articles; notify all persons, firms, or corporations transporting or distributing such articles or to which such articles were shipped or sold to immediately cease distribution of such articles; and to recall the articles. If the person refuses to voluntarily cease distribution, make notification, and recall the articles or does not voluntarily cease distribution, make notification, and recall the articles within the time or in the manner prescribed by the Secretary, the Secretary shall immediately issue an order requiring the person (including the official establishment which prepared the articles), as the Secretary deems necessary to: immediately cease distribution of such articles; and immediately notify all persons, firms, or corporations transporting or distributing such articles or to which such articles were shipped or sold to immediately cease distribution of such articles. The order shall provide any person subject to the order with an opportunity for an informal hearing, to be held not later than 5 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require recall of such articles. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

"(c) If, after providing an opportunity for an informal hearing under subsection (b) of this section, the Secretary determines that the articles that are the subject of an order under subsection (b) of this section must be recalled, the Secretary shall amend the order to require a recall. The Secretary shall—

"(1) specify a timetable in which the recall will occur;

"(2) require periodic reports to the Secretary describing the progress of the recall; and

"(3) provide for notice to consumers to whom such articles were, or may have been, distributed as to how they should treat the article.

"POULTRY TRACEBACK

"SEC. 32. (a) For the purpose of limiting the risk of foodborne illness from poultry and poultry products distributed in commerce, the Secretary shall, as the Secretary deems necessary, prescribe by regulation that poultry presented for slaughter for human food purposes be identified in the manner prescribed by the Secretary to enable the Secretary to trace each bird to any premises at which it has been held for such period prior to slaughter that the Secretary deems necessary to effectuate the purposes of this Act. The Secretary may prohibit or restrict entry into any slaughtering establishment inspected under this Act of any poultry not identified as prescribed by the Secretary.

"(b) The Secretary is authorized to require that all persons required to identify poultry pursuant to subsection (a) of this section, maintain accurate records, as prescribed by the Secretary, regarding the purchase, sale, and identification of such poultry; and all persons subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to their places of business and opportunity to examine the records thereof, and to copy any such records. Any such record required to be maintained by this section shall be maintained for such period of time as the Secretary prescribes.

"(c) No person shall falsify or misrepresent to any other person or to the Secretary, any information as to any premises at which any poultry, or the carcasses thereof, were held.

"(d) No person shall, without authorization from the Secretary, alter, detach, or destroy any records or other means of identification prescribed by the Secretary for use in determining the premises at which were held any poultry or carcasses thereof.

"(e)(1) If the Secretary finds any human pathogen or any residue in any poultry at the time they are presented for slaughter or in any poultry carcasses, parts of poultry carcasses, or poultry products prepared in an official establishment and the Secretary finds that there is a reasonable probability that human consumption of any poultry or poultry product containing the human pathogen or residue presents a threat to public health, the Secretary may take such action as the Secretary deems necessary to determine the source of the human pathogen or residue.

"(2) If the Secretary identifies the source of any human pathogen or residue described in subsection (e)(1) of this section, the Secretary is authorized to prohibit or restrict the movement of any poultry, poultry carcasses, parts of poultry carcasses, poultry product, or any other article from any source of the human pathogen or residue until the Secretary determines that the human pathogen or residue at the source no longer presents a threat to public health.

"(f)(1) The Secretary shall use any means of identification and record keeping methods utilized by producers or handlers of poultry whenever such means of identification and record keeping methods will enable the Secretary to carry out the purposes of this section.

"(2) The Secretary is authorized to cooperate with producers or handlers of poultry, in which any human pathogen or residue described in subsection (e)(1) of this section is found, to develop and implement methods to limit or eliminate the human pathogen or residue at the source.

"REFUSAL OR WITHDRAWAL OF INSPECTION

"SEC. 33. (a) The Secretary may for such period, or indefinitely, as the Secretary deems necessary to effectuate the purposes of this Act, refuse to provide, or withdraw, inspection service under this Act with respect to any official establishment if the Secretary determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that the applicant or recipient, or any person responsibly connected with the applicant or recipient, has repeatedly failed to comply with the requirements of this Act or the regulations promulgated thereunder.

"(b) The Secretary may direct that, pending opportunity for an expedited hearing with respect to any refusal or withdrawal of inspection service and the final determination and order under subsection (a) of this section and any judicial review thereof, inspection service shall be denied or suspended if the Secretary deems such action necessary in the public interest in order to protect the health or welfare of consumers or to assure the safe and effective performance of official duties under this Act.

"(c) The determination and order of the Secretary with respect to withdrawal or refusal of inspection service under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within 30 days after the effective date of the order; and inspection service shall be withdrawn or refused as of the effective date of the order pending any judicial review of the order unless the Secretary directs otherwise. Judicial review of any such order shall be in the United States Court of Appeals for the circuit in which the applicant for, or recipient of, inspection service has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit and shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

"(d) The provisions of this section shall be in addition to and not derogate from any other provision of this Act for refusal, withdrawal, or suspension of inspection service under this Act.

"CIVIL PENALTIES

"SEC. 34. (a) Any person which violates any provision of this Act, any regulation issued under this Act, or any order issued under section 31(b) or (c) of this Act may be assessed a civil penalty by the Secretary of not more than $100,000 per day of violation. Each offense shall be a separate violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing on the record before the Secretary in accordance with sections 554 and 556 of title 5, United States Code. The amount of such civil penalty shall be assessed by the Secretary by written order, taking into account the gravity of the violation, degree of culpability, and history of prior offenses; and may be reviewed only as provided in subsection (b) of this section.

"(b) Any person against whom such violation is found and a civil penalty assessed by order of the Secretary under subsection (a) of this section may obtain review in the Court of Appeals of the United States for the circuit in which such party resides or has a place of business or in the United States Court of Appeals of the District of Columbia Circuit by filing a notice of appeal in such Court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in

such Court a certified copy of the record upon which such violation was found and such penalty assessed. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence on the record as a whole.

"(c) If any person fails to pay an assessment of a civil penalty after if has become a final and unappealable order, or after the appropriate Court of Appeals has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall institute a civil action to recover the amount assessed in any appropriate district court of the United States. In such collection action, the validity and appropriateness of the Secretary's order imposing the civil penalty shall not be subject to review.

"(d) All penalties collected under authority of this section shall be paid into the Treasury of the United States.

"(e) Nothing in this Act shall be construed as requiring the Secretary to report for criminal prosecution or for the institution of libel or injunction proceedings, violations of this Act, whenever the Secretary believes that the public interest will be adequately served by assessment of civil penalties. Furthermore, the Secretary may, in the Secretary's discretion, compromise, modify, or remit, with or without conditions, any civil penalty assessed under this section.

TITLE II

SEC. 201. Section 1 of the Act of July 2, 1962 (21 U.S.C. 134), is amended by adding a new subsection (e) to read:

"(e) The term 'disease' means any disease of livestock or poultry, both infectious and non-infectious, and any other health-related condition that may be transmitted by livestock or poultry or their products to other animals or humans.".

SEC. 202. Section 2(a) of the Act of July 2, 1962 (21 U.S.C. 134a(a)), is amended to read:

"(a) Whenever the Secretary deems it necessary in order to prevent the introduction or dissemination of a disease, the Secretary may seize, quarantine, and dispose of, in a reasonable manner taking into consideration the nature of the disease and the necessity of such action to protect the livestock or poultry of the United States, or the health of the people of the United States because the disease may be transmitted by livestock or poultry or their products: (1) any animals which the Secretary finds are moving or are being handled or have moved or have been handled in interstate or foreign commerce contrary to any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any disease; (2) any animals which the Secretary finds are moving into the United States, or interstate, and are affected with or have been exposed to any disease; and (3) any animals which the Secretary finds have moved into the United States, or interstate, and, at the time of such movement, were affected with or exposed to any disease.".

SEC. 203. Section 2(e) of the Act of July 2, 1962 (21 U.S.C. 134a(e)), is amended to read:

"(e) No such payment shall be made by the Secretary for any animal, carcass, product, or article which has been moved or handled by the owner thereof or the owner's agent in violation of a law or regulation administered by the Secretary for the prevention of the interstate dissemination of disease, for which the animal, carcass, product, or article was destroyed or a law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of disease, or for any animal which has moved into the United States contrary to such law or regulation administered by the Secretary for the prevention of the introduction of a disease.".

SEC. 204. Section 3 of the Act of July 2, 1962 (21 U.S.C. 134b), is amended to read: "The Secretary, in order to protect the health of the livestock or poultry of the United States, and the health of the people of the United States because the disease may be transmitted by livestock or poultry or their products, may promulgate regulations requiring that railway cars; vessels; airplanes; trucks; and other means of conveyance; stockyards; feed, water, and rest stations; and other facilities, used in connection with the movement of animals into or from the United States, or interstate, be maintained in a clean and sanitary condition, including requirements for inspection, cleaning, and disinfection.".

SEC. 205. Section 4 of the Act of July 2, 1962 (21 U.S.C. 134c), is amended to read: "The Secretary is authorized to promulgate regulations prohibiting or regulating the movement into the United States of any animals which are or have been affected with or exposed to any disease, or which have been vaccinated or otherwise treated for any disease, or which the Secretary finds would otherwise be likely to introduce or disseminate any disease, when the Secretary determines that such action is necessary to protect the livestock or poultry of the United States, or to protect the health of the people of the United States because the disease may be transmitted by livestock or poultry or their products.".

SEC. 206. Section 5 of the Act of July 2, 1962 (21 U.S.C. 134d), is amended to read: "Employees of the Department of Agriculture designated by the Secretary for the purpose, when properly identified, shall have authority: (1) to stop and inspect, without a warrant, any person or means of conveyance, moving into the United States from a foreign country, to determine whether such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for prevention of the introduction or dissemination of any disease; (2) to stop and inspect, without a warrant, any means of conveyance moving interstate upon probable cause to believe the means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any disease; and (3) to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under any laws or regulation administered by the Secretary for the prevention of the introduction or dissemination of any disease. Any Federal judge, or any judge of a court of record in the United States, or any United States Commissioner, may, within such Commissioner's jurisdiction, upon proper oath or affirmation indicating probable cause to believe that there is on certain premises any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any disease, issue warrants for the entry upon such premises and for inspections and seizures necessary under such laws and regulations. Warrants may be executed by any authorized employee of the Department of Agriculture.".

SEC. 207. Section 6 of the Act of August 30, 1890, as amended (21 U.S.C. 104), is amended to read:

"(a) The Secretary of Agriculture is authorized to prohibit or restrict the importation of animals which are affected with disease or which have been exposed to disease prior to their importation into the United States.

"(b) Any person who knowingly violates any provision of this section or sections 7 through 10 of this Act or any regulation prescribed by the Secretary of Agriculture under any such section shall be guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding $5,000, by imprisonment not exceeding one year, or both. Any person who violates any such provision or any such regulation may be assessed a civil penalty by the Secretary of Agriculture not exceeding $1,000. The Secretary of Agriculture may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. The order shall be treated as a final order reviewable under chapter 158 of Title 28. The validity of the order may not be reviewed in an action to collect the civil penalty.

"(c) For the purposes of this Act the word 'disease' means any disease of livestock or poultry, both infectious and non-infectious, and any other health-related condition that may be transmitted by livestock or poultry or their products to other animals or humans.".

SEC. 208. Section 8 of the Act of August 30, 1890 (21 U.S.C. 103), is amended to read:

"(a) The Secretary of Agriculture is authorized to require animals to be imported into ports in the United States designated by the Secretary of Agriculture, with the approval of the Secretary of the Treasury, as quarantine stations. If any animals required by the Secretary of Agriculture to be imported into ports designated as quarantine stations are brought to any port of the United States where no quarantine station is established, the Secretary of Agriculture may require the animals to be moved to the nearest quarantine station at the expense of owner of the animals under such conditions as the Secretary of Agriculture determines necessary to prevent the spread of disease.

"(b) The Secretary of Agriculture may destroy animals which the Secretary of Agriculture finds to be affected with or exposed to a disease dangerous to other animals, or to the health of the people of the United States because the disease may be transmitted by livestock or poultry or their products.

"(c) Except as provided in subsection (d) of this section, the Secretary of Agriculture shall compensate the owner of animals destroyed in accordance with subsection (b) of this section which are exposed to disease, but not affected with disease. Such compensation shall be based upon the fair market value of the animal at the time of destruction as determined by the Secretary of Agriculture. Compensation paid any owner under this subsection shall not include anticipated profits and shall not exceed the difference between any compensation received by the owner of the animals from any other source and the fair market value of the animal at the time of destruction. Funds in the Treasury available for carrying out animal disease control activities of the Department of Agriculture shall be used to compensate owners of animals destroyed in accordance with subsection (b) of this section.

"(d) No payment shall be made by the Secretary of Agriculture for animals destroyed in accordance with subsection (b) of this section if the animal has been imported in violation of any law or regulation administered

by the Secretary of Agriculture for the prevention of the introduction or dissemination of any disease.".

SEC. 209. Section 1 of the Act of February 2, 1903, as amended (21 U.S.C. 121), is amended to read:

"(a) Whenever the Secretary of Agriculture issues a certificate showing that the Secretary of Agriculture had inspected any livestock and/or live poultry which were about to be exported from the United States or moved interstate, and had found them free of any disease, such animals, so inspected and certified, may transported into and through any State, or they may be exported from the United States without further inspection or the exaction of fees of any kind, except such as may at anytime be ordered or exacted by the Secretary of Agriculture; and all such animals shall at all times be under control and supervision of the Secretary of Agriculture for the purposes of such inspection.

"(b) For the purposes of this Act, the word 'disease' means any disease of livestock or poultry, both infectious and non-infectious, and any other health-related condition that may be transmitted by livestock or poultry or their products to other animals or humans.

"(c) for the purposes of this Act, the word 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.".

SEC. 210. Section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), is amended to read:

"(a) The Secretary of Agriculture is authorized to make such regulations and take such measures as the Secretary of Agriculture deems necessary to prevent the introduction or dissemination of any disease from a foreign country into the United States or from one State to another.

"(b) The Secretary of Agriculture is authorized to seize, quarantine, and dispose of any hay, straw, forage, or similar material, or any meats, hides, or other animal products coming from a foreign country in which disease exists to the United States, or from one State in which disease exists to another State, whenever in the Secretary of Agriculture's judgment such action is advisable in order to prevent the introduction or spread of disease.".

SEC. 211. Section 3 of the Act of May 29, 1884, as amended (21 U.S.C. 114), is amended to read:

"(a) The Secretary of Agriculture is authorized to prepare regulations for the speedy and effectual suppression and eradication of diseases, and to certify such regulations to the executive authority of each State, and invite these executive authorities to cooperate in the execution and enforcement of this Act and section 2 of the Act of February 2, 1903. Whenever the plans and methods of the Secretary of Agriculture shall be accepted by any State in which a disease is declared to exist, or any State shall have adopted plans and methods for the suppression and eradication of diseases, and the State plans and methods are accepted by the Secretary of Agriculture, and whenever the Governor of a State or other properly constituted authorities signify their readiness to cooperate for the suppression or eradication of any disease in conformity with this Act and section 2 of the Act of February 2, 1903, the Secretary of Agriculture is authorized to expend so much of the money appropriated for carrying out this Act and section 2 of the Act of February 2, 1903, as may be necessary in such investigations, and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one state into another.

"(b) For the purposes of this Act, the word 'disease' means any disease of livestock or poultry, both infectious and non-infectious, and any other health-related condition that may be transmitted by livestock or poultry or their products to other animals or humans."

"(c) For the purposes of this section, the word 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.".

SEC. 212. Section 4 of the Act of May 29, 1884, as amended (21 U.S.C. 112), is amended to read: "In order to promote the exportation of livestock and/or live poultry from the United States, the Secretary of Agriculture is authorized to investigate the existence of any disease, along the dividing lines between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports from which livestock and/or live poultry are exported, and may establish regulations concerning the exportation and transportation of livestock and/or live poultry as the results of the investigations may require.".

SEC. 213. Section 5 of the Act of May 29, 1884, as amended (21 U.S.C. 113), is amended to read: "In order to prevent the exportation from the United States to any foreign country of livestock and/or live poultry affected with disease or exposed to disease, the Secretary of Agriculture is authorized to take such steps and adopt such measures, as the Secretary of Agriculture may deem necessary.".

SEC. 214. Sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 120), are amended to read:

"(a) In order to enable the Secretary of Agriculture to effectually suppress and eradicate diseases, and to prevent the spread of diseases, the Secretary of Agriculture is authorized to establish such regulations concerning the exportation and transportation of livestock and/or live poultry from any place within the United States where the Secretary of Agriculture may have reason to believe diseases may exist into and through any state and to foreign countries as the Secretary of Agriculture may deem necessary.

"(b) For the purposes of these sections, the word "State" means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.".

SEC. 215. Section 6 of the Act of May 29, 1884, as amended (21 U.S.C. 115), is amended to read:

"(a) No person, company, or corporation shall transport, receive for transportation, deliver for transportation, move, or cause to be moved from one State to another any livestock and/or live poultry affected with any disease except in accordance with regulations prescribed by the Secretary of Agriculture to protect the livestock and poultry of the United States and the health of the people of the United States.

"(b) For the purposes of this section, the word 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.".

SEC. 216. Section 11 of the Act of May 29, 1884, as amended (21 U.S.C. 114a), is amended to read:

(a) The Secretary of Agriculture, either independently or in cooperation with States or political subdivisions of States, farmers' associations and similar organizations, and individuals, is authorized to: (1) control and eradicate any diseases which in the opinion of the Secretary of Agriculture constitute an emergency and threaten the livestock industry or poultry industry of the United States, or the health of the people of the United States because the disease may be transmitted by livestock or poultry or their products; and (2) pay claims growing out of destruction of animals (including poultry), and of materials, affected by or exposed to any communicable disease, in accordance with such regulations as the Secretary of Agriculture may prescribe.

"(b) The Secretary of Agriculture is authorized to prescribe and collect fees to recover the costs of carrying out this section which relate to veterinary diagnostics.

"(c) For the purposes of this section, the word 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.".

SEC. 217. Section 1 of the Act of March 3, 1905, as amended (21 U.S.C. 123), is amended to read:

"(a) The Secretary of Agriculture is authorized to quarantine by regulation any State, or any portion of any State, when the Secretary of Agriculture shall determine the fact that any animals or live poultry in such State are affected with any disease or that the contagion of any disease exists or that vectors which may disseminate any disease exist in such State.

"(b) For the purposes of this Act, the word 'disease' means any disease of livestock or poultry, both infectious and non-infectious, and any other health-related condition that may be transmitted by livestock or poultry or their products to other animals or humans.

"(c) For the purposes of this section, the word 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.".

SEC. 218. Section 1 of the Act of May 6, 1970, (21 U.S.C. 135), is amended by designating the current section as subsection "(a)"; by deleting the words "livestock or poultry disease or pests" and by inserting in lieu thereof "diseases or livestock or poultry pests"; by deleting "livestock or poultry diseases or pests" and by inserting in lieu thereof "diseases or livestock or poultry pests"; and by adding a new subsection (b) to read:

"(b) For the purposes of this Act, the word "diseases" means any diseases of livestock or poultry, both infectious and non-infectious, and any other health-related condition that may be transmitted by livestock or

poultry or their products to other animals or humans.".

SEC. 219. Section 12 of the Act of March 4, 1907, as amended (21 U.S.C. 612), is amended to read:

"(a) The Secretary is authorized to inspect all cattle, sheep, swine, goats, horses, mules, and other equines intended and offered for export to foreign countries at such times and places, and in such manner as the Secretary may deem proper, to ascertain whether such cattle, sheep, swine, goats, horses, mules, and other equines are free from disease.

"(b) For the purpose of this section, the word 'disease' means any disease of cattle, sheep, swine, goats, horse, mules, and other equines, both infectious and non-infectious, and any other health-related condition that may be transmitted by cattle, sheep, swine, goats, horses, mules, and other equines or their products to other animals or humans."

SEC. 220. The Act of September 28, 1962 (7 U.S.C. 450), is amended to read:

"(a) In order to avoid duplication of functions, facilities, and personnel, and to attain closer coordination and greater effectiveness and economy in administration of Federal and State laws and regulations relating to the production and marketing of agricultural products and to the control or eradication of plant diseases, plant pests, animal diseases, and animal pests, the Secretary of Agriculture is authorized, in the administration and enforcement of such Federal laws within the Secretary of Agriculture's area of responsibility, whenever the Secretary of Agriculture deems it feasible and in the public interest, to enter into cooperative arrangements with State departments of agriculture and other State agencies charged with the administration and enforcement of such State laws and regulations and to provide that any such State agency which has adequate facilities, personnel, and procedures, as determined by the Secretary of Agriculture, may assist the Secretary of Agriculture in the administration and enforcement of such Federal laws and regulations to the extent and in the manner the Secretary of Agriculture deems appropriate in the public interest.

"(b) The Secretary is authorized to coordinate the administration of such Federal laws and regulations with such State laws and regulations wherever feasible. However, nothing in this Act shall affect the jurisdiction of the Secretary of Agriculture under any Federal law, or any authority to cooperate with State agencies or other agencies or persons under existing provisions of law, or affect any restrictions of law upon such cooperation.

"(c) For the purposes of this Act the term 'animal diseases' means any diseases of animals, both infectious and non-infectious, and any other health-related condition that may be transmitted by animals or their products to other animals or humans.".

SEC. 221. Section 101(d) of the Act of September 21, 1944 (7 U.S.C. 430), is amended to read:

"(a) The Secretary of Agriculture may purchase in the open market from applicable appropriations samples of all tuberculin, serums, antitoxins, or other products, of foreign or domestic manufacture, which are sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, test the same, and disseminate the results of the tests in such manner as the Secretary of Agriculture may deem best.".

"(b) For the purposes of this section, the word 'diseases'; means any diseases of domestic animals, both infectious and non-infectious, and any other health-related condition that may be transmitted by domestic animals or their products to other animals or humans.".•

By Mrs. MURRAY:

S. 2454. A bill to make technical corrections to an act preempting State economic regulation of motor carriers; to the Committee on Environment and Public Works.

INTRASTATE MOTOR CARRIER TRANSPORTATION TECHNICAL CORRECTIONS ACT

• Mrs. MURRAY. Mr. President, I am pleased to introduce legislation today to clarify that it is not Congress' intent to preempt State or local regulations dealing with the operation of garbage collection, curbside recycling, or tow trucks. Last month Congress passed H.R. 2739, the Federal Aviation Administration Authorization Act of 1994, which included a provision in section 601 to preempt State and local regulations of intrastate trucking pertaining to prices, routes, and services.

I have been apprised by cities and organizations in Washington State that H.R. 2739 could impair curbside residential recycling programs and tow truck services. Recycling is taken very seriously in Washington State, which has some of the most successful programs in the country. My bill only clarifies that Congress did not intend to stop these type of activities when it enacted section 601.

The bill I am introducing today is almost identical to a bill introduced by Representatives CANTWELL and RAHALL in the House of Representatives. I look forward to working with my colleagues in both Chambers to support this or other legislation that will resolve the possible problems with preemption that I just mentioned.

I ask unanimous consent that the full text of the bill be printed into the RECORD as if read, immediately following this statement.

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

S. 2454

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 "Intrastate Motor Carrier Transportation Technical Corrections Act of 1994".

SEC. 2. TECHNICAL CORRECTION.

Section 11501(h)(2) of title 49, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the the period at the end of subparagraph (B) and insert in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(C) does not apply to the transportation of garbage and refuse;

"(D) does not apply to the transportation of recyclable materials, as defined under section 10733(b), pursuant to programs conducted under the auspices of any unit of government; and

"(E) does not apply to motor carriers providing tow or wrecker services.".•

By Mr. KERRY (for himself and Mr. STEVENS):

S. 2455. A bill to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas; to the Committee on Commerce, Science, and Transportation.

HIGH SEAS FISHERIES LICENSING ACT

• Mr. KERRY. Mr. President, on a number of occasions in recent weeks, I have expressed by concerns regarding fisheries crises that seem to be arising with increasing frequency in many parts of the globe. Today, I am introducing the High Seas Fisheries Licensing Act of 1994—legislation to reinforce the U.S. commitment to international efforts to conserve and manage world fisheries.

The bill implements an international agreement adopted by consensus in Rome by the Conference of the United Nations Food and Agriculture Organization [FAO] on November 24, 1993, entitled "The Agreement to Promote Compliance with International Convention and Management Measures by Fishing Vessels on the High Seas" [Agreement]. This agreement establishes international requirements for the licensing, reporting, and regulation of fishing vessels that operate on the high seas. Earlier today, the Senate Foreign Relations Committee ordered the agreement reported to the full Senate for its approval. Prompt enactment of the High Seas Fisheries Licensing Act is essential for the United States to complete ratification of the agreement, and demonstrate U.S. leadership in promoting global fisheries conservation.

The oceans' supplies of fish were once thought to be inexhaustible. World harvests of fish and seafood have risen steadily over the past five decades, peaking in 1989 at a record 100 million metric tons. Since then, however, landings have begun to decline and FAO recently estimated that 13 of 17 major ocean fisheries may be in trouble. The problem of too many boats chasing too few fish has become familiar in far too many locations around the world.

Responding to this growing problem, the United States has pressed for international efforts to bring high sea fisheries under greater control. In September 1992, at an FAO technical conference on high seas fishing, the U.S. delegation proposed that a treaty be prepared under FAO auspices to address one problem plaguing efforts to manage fisheries on the high seas. The concern was that vessels belonging to a member nation of a regional fisheries organization would reflag to a nonmember nation, for the purpose of continuing to fish in the management area unconstrained by rules set by the organization and its members. For example,

the effectiveness of the International Commission for the Conservation of Atlantic Tunas [ICCAT] has been undermined by vessels registered in and possibly reflagged in nations that are not ICCAT members. Flying "flags of convenience," these vessels then fish for tuna in the North Atlantic in defiance of ICCAT rules.

The FAO technical conference recommended that a reflagging agreement be developed as quickly as possible, as part of an International Code of Conduct for Responsible Fishing. In February 1993, a group of experts was convened to help prepare the first draft, and, after several negotiating sessions, the FAO conference adopted the final text of the treaty in November, 1993. On April 15, 1994, the President transmitted the agreement to the Senate for advice and consent.

Although the FAO agreement has been popularly referred to as the "flagging agreement," it does not deal directly with the flagging of fishing vessels, in part because FAO negotiators did not wish to deter legitimate transfers of vessels and flags. The primary tenet of the FAO agreement is the obligation of a nation to require specific authorization for vessels carrying its flag in order to fish on the high seas. In addition, the nation is responsible for ensuring that its authorized vessels do not undermine conservation and management measures that have been adopted by global or regional fishery management organizations.

The United States has vessels fishing on the high seas in many parts of the world, but has no general law governing such fishing. The High Seas Fisheries Licensing Act of 1994 would provide that statutory authority, establishing a system of licensing, reporting, and regulation for American vessels fishing on the high seas.

Provisions of the High Seas Fisheries Licensing Act would: First, require publication of a list of international conservation and management measures recognized by the United States and with which U.S. high seas fishing vessels are required to comply; second, require all U.S. fishing vessels operating on the high seas to have on board a valid license issued by the Secretary of Commerce, and prevent vessels from obtaining a U.S. license to avoid punishment for violation of international measures; third, require the Secretary to maintain a register of vessels licensed under the statute and to report to the FAO information on those vessels and their activities; and fourth, establish enforcement procedures, civil and criminal penalties, forfeitures, and license sanctions consistent with the Magnuson Fishery Conservation and Management Act.

There is widespread support for the agreement and the legislation, both in the United States and internationally, from environmental organizations and the fishing industry. This is a pragmatic first step toward improving the conservation and management of international fisheries and I encourage my colleagues to join with me to ensure prompt action by the Senate. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2455

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High Seas Fisheries Licensing Act of 1994".

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993; and

(2) to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) The term "Agreement" means the Agreement to promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993.

(2) The term "FAO" means the Food and Agriculture Organization of the United Nations.

(3) The term "high seas" means the waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States.

(4) The term "high seas fishing vessel" means any vessel of the United States used or intended for use—

(A) on the high seas;

(B) for the purpose of the commercial exploitation of living marine resources; and

(C) as a harvesting vessel, as a mother ship, or as any other support vessel directly engaged in a fishing operation.

(5) The term "International conservation and management measures" means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law as reflected in the 1982 United Nations Convention on the Law of the Sea and recognized by the United States. Such measures may be adopted by global, regional, or sub-regional fisheries organizations, subject to the rights and obligations of their members, or by treaties or other international agreements.

(6) The term "length" means—

(A) for any high seas fishing vessel built after July 18, 1982, 96 percent of the total length on a waterline at 85 percent of the least molded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;

(B) for any high seas fishing vessel built before July 18, 1982, registered length as entered on the vessel's documentation.

(7) The term "person" means any individual (whether or not a citizen of or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(8) The term "Secretary" means the Secretary of Commerce or a designee.

(9) The term "vessel of the United States" means—

(A) a vessel documented under chapter 121 of title 46 or numbered in accordance with chapter 123 of title 46;

(B) a vessel owned in whole or part by—

(i) the United States or a territory, commonwealth, or possession of the United States;

(ii) a State or political subdivision thereof;

(iii) a citizen or national of the United States; or

(iv) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States;

unless the vessel has been granted the nationality of a foreign nation in accordance with article 92 of the 1982 United Nations Convention on the Law of the Sea and a claim of nationality or registry for the vessel is made by the master or individual in charge at the time of the enforcement action by an officer or employee of the United States authorized to enforce applicable provisions of the United States law; and

(C) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was either sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation.

(10) The terms "vessel subject to the jurisdiction of the United States" and "vessel without nationality" have the same meaning as in 46 U.S.C. App. 1903(c).

SEC. 4. LICENSING.

(a) IN GENERAL.—No high seas fishing vessel shall engage in harvesting operations on the high seas unless the vessel has on board a valid license issued under this section.

(b) ELIGIBILITY.—

(1) Any vessel of the United States is eligible to receive a license under this section, unless the vessel was previously authorized to be used for fishing on the high seas by a foreign nation, and

(A) the foreign nation suspended such authorization because the vessel undermined the effectiveness of international conservation and management measures, and the suspension has not expired; or

(B) the foreign nation, within the last three years preceding application for a license under this section, withdrew such authorization because the vessel undermined the effectiveness of international conservation and management measures.

(2) The restriction in paragraph (1) does not apply where ownership of the vessel has changed since the vessel undermined the effectiveness of international conservation and management measures, and the new owner has provided sufficient evidence to the Secretary demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel.

(3) The restriction in paragraph (1) does not apply where the Secretary makes a determination that issuing a license would not subvert the purposes of the Agreement.

(4) The Secretary may not issue a license to a vessel unless he or she is satisfied that the United States will be able to exercise effectively its responsibilities under the Agreement with respect to that vessel.

(c) APPLICATION.—

(1) The owner or operator of a high seas fishing vessel may apply for a license under this section by completing an application form prescribed by the Secretary.

(2) The application form shall contain—

(A) the vessel's name, previous names (if known), official numbers, and port of record;

(B) previous flag (if any);

(C) International Radio Call Sign (if any);

(D) names and addresses of owners and operators;

(E) where and when built;

(F) type of vessel;

(G) length; and

(H) any other information the Secretary requires.

(d) CONDITIONS.—The Secretary shall establish such conditions and restrictions on each license issued under this section as are necessary and appropriate to carry out the obligations of the United States under the Agreement, including but not limited to the following:

(1) The vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels, or with regulations issued under section 305 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1855);

(2) The license holder shall report such information as the Secretary by regulation requires, including area of fishing operations and catch statistics. The Secretary shall promulgate regulations concerning conditions under which information submitted under this subsection may be released.

(e) FEES.—

(1) The Secretary may by regulation establish the level of fees to be charged for licenses issued under this section. The level of fees charged under this paragraph shall not exceed the administrative costs incurred in issuing such licenses. The licensing fee shall be in addition to any fee required under any regional licensing regime applicable to high seas fishing vessels.

(2) The fees authorized by paragraph (1) shall be collected and credited to the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration. Any fees collected shall be available until expended for the purpose of implementing this Act, to the extent and in the amounts provided in advance in appropriations acts.

(f) DURATION.—A license issued under this section is valid for the period specified in regulations issued under section 5(d). A license issued under this section is void in the event the vessel is no longer eligible for U.S. documentation, such documentation is revoked or denied, or the vessel is deleted from such documentation.

SEC. 5. RESPONSIBILITIES OF THE SECRETARY.

(a) RECORD.—The Secretary shall maintain an automated file or record of high seas fishing vessels issued licenses under section 4, including all information submitted under section 4(c)(2).

(b) INFORMATION TO FAO.—The Secretary, in cooperation with the Secretaries of State and Transportation, shall—

(1) make available to FAO information contained in the record maintained under subsection (a);

(b) promptly notify FAO of changes in such information;

(3) promptly notify FAO of additions to or deletions from the record, and the reason for any deletions;

(4) convey to FAO information relating to any license granted under section 4(b)(3), including the vessel's identity, owner or operator, and factors relevant to the Secretary's determination to issue the license;

(5) report promptly to FAO all relevant information regarding any activities of high seas fishing vessels that undermine the effectiveness of international conservation and management measures, including the identity of the vessels and sanctions imposed; and

(6) provide the FAO a summary of evidence regarding any activities of foreign vessels that undermine the effectiveness of international conservation and management measures.

(c) INFORMATION TO FLAG STATES.—The Secretary, in cooperation with the Secretary of State and the Secretary of Transportation, shall, where he or she has reasonable grounds to believe that a foreign high seas fishing vessel has engaged in activities undermining the effectiveness of international conservation and management measures—

(1) provide to the flag State information, including appropriate evidentiary material, relating to those activities; and

(2) when such foreign high seas fishing vessel is voluntarily in a United States port, the Secretary shall promptly notify the flag State. If requested by the flag State, the Secretary shall make arrangements to undertake such lawful investigatory measures as may be considered necessary to establish whether the high seas fishing vessel has been used contrary to the provisions of the Agreement.

(d) REGULATIONS.—The Secretary, after consultation with the Secretary of State and the Secretary of Transportation, may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out the purposes of the Agreement and this Act. The Secretary shall coordinate such regulations with any other entities regulating high seas fishing vessels, to minimize duplication of license application and reporting requirements. To the extent practicable, such regulations shall also be consistent with regulations implementing fishery management plans under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(e) NOTICE OF INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES.—The Secretary, in consultation with the Secretary of State, shall publish in the Federal Register, from time to time, a notice listing international conservation and management measures recognized by the United States.

SEC. 6. UNLAWFUL ACTIVITIES.

It is unlawful for any person subject to the jurisdiction of the United States—

(1) to use a high seas fishing vessel on the high seas in contravention of international conservation and management measures described in section 5(e);

(2) to use a high seas fishing vessel on the high seas, unless the vessel has on board a valid license issued under section 4;

(3) to use a high seas fishing vessel in violation of the conditions or restrictions of a license issued under section 4;

(4) to falsify any information required to be reported, communicated, or recorded pursuant to this Act or any regulation issued under this Act, or to fail to submit in a timely fashion any required information, or to fail to report to the Secretary immediately any change in circumstances that has the effect of rendering any such information false, incomplete, or misleading;

(5) to refuse to permit an authorized officer to board a high seas fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act or any regulation issued under this Act;

(6) to forcibly assault, resist, oppose, impede, intimidate, or interfere with an authorized officer in the conduct of any search or inspection described in paragraph (5);

(7) to resist a lawful arrest or detention for any act prohibited by this section;

(8) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section;

(9) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any living marine resource taken or retained in violation of this Act or any regulation or license issued under this Act; or

(10) to violate any provision of this Act or any regulation or license issued under this Act.

SEC. 7. ENFORCEMENT PROVISIONS.

(a) DUTIES OF SECRETARIES OF COMMERCE AND TRANSPORTATION.—This Act shall be enforced by the Secretary of Commerce and the Secretary of Transportation. Such Secretaries may by agreement utilize, on a reimbursable basis or otherwise, the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, or of any State agency, in the performance of such duties. Such Secretaries shall, and the head of any Federal or State agency that has entered into an agreement with either such Secretary under this section may (if the agreement so provides), authorize officers to enforce the provisions of this Act or any regulation or license issued under this Act.

(b) DISTRICT COURT JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this Act. In the case of Guam, and any Commonwealth, territory, or possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Guam, except that in the case of American Samoa, the appropriate court is the United States District Court for the District of Hawaii.

(c) POWERS OF ENFORCEMENT OFFICERS.—

(1) Any officer who is authorized (by the Secretary, the Secretary of Transportation, or the head of any Federal or State agency that has entered into an agreement with such Secretaries under subsection (a)) to enforce the provisions of this Act may—

(A) with or without a warrant or other process—

(i) arrest any person, if the officer has reasonable cause to believe that such person has committed an act prohibited by section 9(a);

(ii) board, and search or inspect, any high seas fishing vessel;

(iii) seize any high seas fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with repect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this Act or any regulation or license issued under this Act;

(iv) seize any living marine resource (wherever found) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 6;

(v) seize any other evidence related to any violation of any provision of this Act or any regulation or license issued under this Act;

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(2) Subject to the direction of the Secretary, a person charged with law enforcement responsbilities by the Secretary who is performing a duty related to enforcement of a law regarding fisheries or other marine resources may make an arrest without a warrant for an offense against the United States committed in his presence, or for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

(d) ISSUANCE OF CITATIONS.—If any authorized officer finds that a high seas fishing vessel is operating or has been operated in violation of any provision of this Act, such officer may issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (c). If a permit has been issued pursuant to this Act for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefore, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

SEC. 8. CIVIL PENALTIES AND LICENSE SANCTIONS.

(a) CIVIL PENALTIES.—

(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 6 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $100,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(2) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

(b) LICENSE SANCTIONS.—

(1) In any case in which—

(A) a vessel of the United States have been used in the commission of an act prohibited under section 6;

(B) the owner or operator of a vessel or any other person who has been issued or has applied for a license under section 4 has acted in violation of section 6; or

(C) any amount in settlement of a civil forfeiture imposed on a vessel or other property, or any civil penalty or criminal fine imposed on a vessel or owner or operator of a vessel of the United States or any other person who has been issued or has applied for a license under any fishery resource statute enforced by the Secretary, has not been paid and is overdue, the Secretary may—

(i) revoke any license issued with respect to such vessel or person, with or without prejudice to the issuance of subsequent licenses;

(ii) suspend such license for a period of time considered by the Secretary to be appropriate;

(iii) deny such license; or

(iv) impose additional conditions and restrictions on any license issued to or applied for by such vessel or person under this Act.

(2) In imposing a sanction under this subsection, the Secretary shall take into account—

(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(3) Transfer of ownership of a vessel, by sale or otherwise, shall not extinguish any license sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any license sanction that will be in effect or pending with respect to the vessel at the time of the transfer. The Secretary may waive or compromise a sanction in the case of a transfer pursuant to court order.

(4) In the case of any license that is suspended under this subsection for nonpayment of a civil penalty or criminal fine, the Secretary shall reinstate the license upon payment of the penalty or fine and interest thereon at the prevailing rate.

(5) No sanctions shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.

(c) HEARING.—For the purposes of conducting any hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, any may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In cases of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) JUDICIAL REVIEW.—Any person against whom a civil penalty is assessed under subsection (a) or against whose vessel a license sanction is imposed under subsection (b) (other than a license suspension for nonpayment of penalty or fine) may obtain review thereof in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such penalty or sanction. The Secretary shall promptly file in such court a certified copy of the record upon which such penalty or sanction was imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(e) COLLECTION.—

(1) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter shall be referred to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(2) A high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used in the commission of an act prohibited by section 6 shall be liable in rem for any civil penalty assessed for such violation under subsection (a) and may be proceeded against in any district court of the United States having jurisdiction thereof. Such penalty shall constitute a maritime lien on such vessel that may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

SEC. 9. CRIMINAL OFFENSES.

(a) OFFENSES.—A person is guilty of an offense if the person commits any act prohibited by section 6 (6), (7), (8), or (9).

(b) PUNISHMENT.—Any offense described in subsection (a) is a class A misdemeanor punishable by a fine under title 18, United States Code, or imprisonment for not more than one year, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any authorized officer, or places any such officer in fear of imminent bodily injury, the offense is a felony punishable by a fine under title 18, United States Code, or imprisonment for not more than 10 years, or both.

SEC. 10. FORFEITURES.

(a) IN GENERAL.—Any high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo), used, and any living marine resources (or a fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 6 shall be subject to forfeiture to the United States. All or part of such vessel may, and all such living marine resources shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) JURISDICTION OF DISTRICT COURTS.—Any district court of the United States shall have jurisdiction, upon application of the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(b) JUDGMENT.—If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this Act or for which security has not previously been obtained. The provisions of the customs laws relating to—

(1) the seizure, forfeiture, and condemnation of property for violation of the customs law;

(2) the disposition of such property or the proceeds from the sale thereof; and

(3) the remission or mitigation of any such forfeiture; shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, unless such provisions are inconsistent with the purposes, policy, and provisions of this Act.

(d) PROCEDURE.—

(1) Any officer authorized to serve any process in rem that is issued by a court under section 7(b) shall—

(A) stay the execution of such process; or

(B) discharge any living marine resources seized pursuant to such process;

upon receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any living marine resources seized pursuant to this Act may be sold, subject to the approval of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

(e) REBUTTABLE PRESUMPTION.—For purposes of this section, all living marine resources found on board a high seas fishing vessel and which are seized in connection with an act prohibited by section 6 are presumed to have been taken or retained in violation of this Act, but the presumption can be rebutted by an appropriate showing of evidence to the contrary.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect 6 months after the entry into force of the Agreement, or 6 months after the date of enactment of this Act, whichever is later.●

By Mr. GORTON:

S. 2456. A bill to direct the Secretary of Agriculture to carry out activities on certain federally owned lands to address the adverse effects of 1994 wildfires in the Western portion of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

FOREST HEALTH ACT OF 1994

Mr. GORTON. Mr. President, this summer forest fires have burned nearly 3 million acres of land in the Western United States—double the amount which burned last year. In Washington State alone, hundreds of thousands of acres have burned. These fires have created an emergency situation in my State, and States across the West.

Let me reiterate, this is an emergency situation—one which deserves an emergency response. You only have to talk to the people who live in the areas in my State destroyed by these fires to understand why the Federal Government must immediately begin to restore the health of our forests.

Let me give you an example of how important this issue is to people in my State. I received a letter from the Okanogan County Commissioners, and it reads in part:

The recent forest and range fires that burned thousands of acres in North Central and Central Washington have had a devastating effect on local economies. The Okanogan County Board of Commissioners urge a quick response to save the economic value of these fire damaged timber stands. Deterioration of these damaged areas begins immediately, so timing is very important. . . . We request fire damaged timber be harvested on a select cut basis and restoration begin as soon as reasonable.

Mr. President, these are the words of the Okanogan County Commissioners—it is hard to miss the urgency of their message. And it is this message of urgency which I heard from community leaders across the fire-ravaged areas of my State. The message to the Federal Government is clear—get in quickly, get up the fuel load, conduct the salvage operations, and restore the health of our forests.

Administration officials, after touring burned areas in my State, publicly stated that the Forest Service must begin to address forest health issues—specifically thinning, salvaging, and prescribed burning. Jim Lyons, Assistant Secretary of Agriculture for Natural Resources and Environment, is quoted as saying in an August 13, 1994 Seattle Post-Intelligence article:

Forest management, rather than being the evil as some would portray, can be used to improve forest health.

Lyons went on to state that "He is also pushing for increased thinning and salvaging of downed timber." Forest Chief, Jack Ward Thomas, has echoed the statements made by Mr. Lyons.

Mr. President, today I introduce legislation which will give these administration officials the ability to give more than lipservice to this issue. The bill I introduce today will allow the administration to follow through on its promise to restore the health of our forests burned by summer wildfires.

My legislation—the Forest Health Act of 1994—was developed after listening to the concerns of communities in eastern Washington which have been devastated by wildfires. Community leaders, commissioners, landowners, and the people who live and work in eastern Washington have made clear to me that the administration must follow through on their promises and begin to conduct salvaging operations.

Yesterday, during the House-Senate conference on the 1995 Interior appropriations bill, I offered my Forest Health Act of 1994 as an amendment to the conference report. Prior to conference, I shared this language with the Washington congressional delegation and I had hoped to have their support in conference. When the time came for me to offer my language, however, I was told that they would not support my efforts to protect the administration's activities to conduct salvaging operations from frivolous lawsuits.

I was deeply disappointed that even this modest effort in response to an extreme emergency in my State was so easily dismissed.

Yesterday, in written response to a request from Speaker FOLEY, Assistant Secretary Lyons again spelled out the administration's strong commitment to conducting salvaging and thinning operations to restore forest health.

I fully support the efforts of the Forest Service and Mr. Lyons. Unfortunately, even a strongly worded commitment from the administration will not fend off frivolous lawsuits. The minute the Forest Service initiates salvage operations, the frivolous and obstructionist lawsuits will be filed, effectively stopping any true salvage efforts for years. Simply put, a letter from the administration will not stand up in a court of law.

Mr. President, I sincerely hope that the administration is able to follow through on its promise to conduct salvage operations in the areas hit hard by forest fires in my State without excessive appeals and endless delays. I remain doubtful, however, and believe that my legislation would avoid the frivolous lawsuits and endless appeals and enable us to restore the health of our forests far more quickly.

I ask unanimous consent that a copy of the Forest Health Act of 1994 and a letter from the Department of Agriculture be printed in the RECORD.

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

S. 2456

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 "Forest Health Act of 1994".

SEC. 2 ACTIVITIES TO ADDRESS THE ADVERSE EFFECTS OF WILDFIRES.

(a) IN GENERAL.—Notwithstanding any other provision of law, immediately after the date of enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the Secretary of the Interior, shall carry out the following activities on Federally owned lands that were adversely affected by the 1994 wildfires in the western portion of the United States:

(1) Thinning and salvaging dead, dying, bug infested, and burnt timber to remove existing fuel loads and improve the health of forests.

(2) Seeding with grass seeds, conducting tree planting operations, and carrying out other forms of revegetation for the purposes of flood prevention and the prevention of landslides.

(b) EMPLOYMENT.—Notwithstanding any other provision of law, to the maximum extent practicable, the Secretary of Agriculture shall employ dislocated timber workers to carry out the activities specified in subsection (a).

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, September 21, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. SPEAKER: Thank you for expressing your concern about the current condition of our western national forests. I share your concern and sense of urgency about the situation in the West. The wildfires affecting eastern Washington and other western States are symptomatic of the excessive fuels and poor condition of many forested areas in the region. I want to reassure you that I am taking aggressive actions to deal with the situation.

On July 23, 1994, I directed Chief Jack Ward Thomas to develop a proposal for a forest

health initiative for the national forests in the West. This initiative will (1) determine the nature and extent of forest health problems on the western national forests, and (2) recommend measures for improving the health of these forest ecosystems through the appropriate use of salvage logging, thinning, prescribed burning, and other silvicultural tools. The term will also identify administrative barriers to achieving our overall forest health goals, in a manner that is consistent with existing statutory requirements and legal authorities.

The team that will develop this initiative is comprised of a select group of individuals with diverse knowledge and expertise and extensive field experience. They are based here in Washington, D.C., enabling them to have direct communications with the Department and appropriate Capital Hill offices. The team will submit their final report to Chief Thomas by September 30, 1994.

The report will identify the specific actions and resources needed in support of these activities to promote forest health on National Forest System lands in the West in the context of our overall ecosystem management goals. I am confident that the forest health initiative will enable us to intensify efforts to deal effectively with these serious forest health problems by reducing heavy fuels, capturing mortality, thinning overly dense stands, and other measures recommended by this team. I intend to move expeditiously to implement the team recommendations as appropriate.

I should also note that this initiative is likely to identify opportunities for employing local residents to aid in conducting those silvicultural activities deemed appropriate for restoring ecosystem health. Where possible, I would hope that local residents would be given the opportunity to engage in these activities so that they might benefit from any employment opportunities that result.

I appreciate your interest and the assistance you have provided in helping us address this issue. We must move aggressively to reduce the risk of this situation in the future.

If I can be of further assistance, please do not hesitate to contact me.

Best personal regards.

Sincerely,

JAMES R. LYONS,
Assistant Secretary,
Natural Resources and Environment.

By Mr. CRAIG (for himself, Mr. CAMPBELL, Mr. LUGAR, Mr. SHELBY, Mr. GRASSLEY, Mr. SIMPSON, Mr. BROWN, Mr. ROTH, Mr. KEMPTHORNE, Mrs. KASSEBAUM, Mr. BURNS, Mr. GORTON, Mr. LOTT, and Mr. EXON):

S. 2458. A bill to reform the concept of baseline budgeting, set forth strengthened procedures for the consideration of rescissions, provide a mechanism for dedicating savings from spending cuts to deficit reduction, and to ensure that only one emergency is included in any bill containing an emergency designation; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

THE COMMON CENTS BUDGET REFORM ACT OF 1994

Mr. CRAIG. Madam President, today, I and my colleague, BEN NIGHTHORSE CAMPBELL of Colorado, introduce a package of budget reform measures that we hope the Budget Committee will begin to look at as early as October 5, when the chairman of that committee had agreed to hold hearings on the budget reform process here in the U.S. Senate and the Congress as a whole.

Yesterday, I had the privilege of meeting with three of our colleagues from the House, Congressman CHARLES STENHOLM of Texas; Congressman JOHN KASICH; and Congressman TIM PENNY.

At that time, they presented to me a letter that they had sent to our leader, Senator MITCHELL, including three provisions that the House has passed by overwhelming numbers in the course of the last several months:

Expedited rescission, where the Congress would require a vote promptly by a majority on a proposal that would be rescinded by the President in budget matters brought before him. That passed on July 14 in the House by 342 votes.

A provision maintaining the integrity of emergency appropriations where they do not get wrapped into other appropriations but are dealt with separately and timely as relates to emergencies that occur in this country and need the Congress and their Government to respond to them.

And the simple matter of baseline budgeting.

Madam President, that is an issue that has been around for a long time; that we do not constantly roll into our budget's inflation and natural growth and then cut a portion of that and say our budgets have been cut, but actually look at rock-solid baseline budgeting and talk about if we want to increase it over last year. We think that is responsible.

Those three items are a part of a package that Senator CAMPBELL and I are introducing.

We have also introduced another measure guaranteeing that a cut is a cut. Amendments to cut appropriation bills would apply savings directly to deficit reduction rather than to be spun off into other spending as it oftentimes the case.

I think the American people have recognized that something is clearly wrong here with the Congress of the United States that cannot deal with its budgets.

Since the Budget Impoundment Act of now well over two decades ago, when we said to the American people we were going to bring to the budget process strong and decisive action that would control our budgets and control our deficits, well, two decades later and trillions of dollars added to our national debt, the American people no longer believe us.

Clearly, if we are to get our budget under control, it is us here in the Senate and in the U.S. House of Representatives that are going to have to deal with it. We cannot ask for magic and we cannot wish it away. We are going to have to make the tough decisions and the provisions that we have brought about in what we are calling the Common Cents Budget Reform Act of 1994, puts before the Congress a process that, if implemented in law, both for the House and the Senate would bring these kinds of tough tests and measures to the budget process.

And I think the American people could observe us in our actions and say, "Yes, cuts are cuts. There is not any funny inflationary business inside budgets." Every year, we consciously decide that a budget is going to be increased or decreased, that we would also provide for the integrity of emergency appropriations, and that we would have a line-item veto in a modified rescission form in it. Those are the combination of real reform that I think most Americans expect and want to deal with and that will be found in our Common Cents Budget Reform Act that we introduce today.

I would encourage all of my colleagues, in the "Dear Colleague" letter that both Senator CAMPBELL and I sent out this week, to look at it and to join with us. Because the Budget Committee will on the 5th hold hearings and we know that this is an issue whose time is coming.

Next year we will be back before the Budget Committee dealing with a very responsible process of budget reform measures. I have talked with the ranking Republican, PETE DOMENICI, who has time and time again brought to this floor with his colleagues responsible reform measures. It is now time we get it done.

We are going to be back next year debating one of the issues that I have championed now for over a decade here in the Congress and that is a balanced budget amendment to the Constitution. If we pass that—and I think we will—next year, we are also going to have to follow it up with a process that brings the budget down to balance within a 4- to 5-year period.

So it is going to take provisions of the kind that I am introducing today, along with my colleague from Colorado, in this Common Cents Budget Reform Act.

We can no longer hide, Madam President. The American people are demanding that we get the budget under control, that we deal with deficits and that we be responsible with bringing our debt under control, and the bill that we introduce today that we will hopefully be able to have heard before the Budget Committee on the 5th and will reintroduce it again next year; a bill that three of the four provisions have already passed the House by almost unanimous votes, is the kind of issue that is a bipartisan balance to a very difficult process.

I hope my colleagues will join in cosponsoring this legislation to build the bipartisan momentum that we will need to push it into law.

Mr. President, the 103d Congress, the "Reform Congress" came in like a lion and is about to go out like a lamb.

Even out of the few surviving proposals of the Joint Committee on the Organization of Congress, we may see no more than congressional coverage considered in the Senate—if that.

The most important reforms that Congress could enact would be budget reforms.

In the two decades since the Budget and Impoundment Control Act was enacted, Congress progressively has lost control of Federal spending. This repeated failure to manage the taxpayers' money has become a threat not only to our Nation's economic future and our children's standard of living, but also to the credibility of Congress. We must act to help restore a sense of order, discipline, and accountability to the process by which spending decisions are made.

Yet, earlier this year, both Houses of Congress failed by narrow margins to pass the balanced budget amendment to the Constitution. In both bodies, reforms have remained buried in committee.

Finally, some of our House colleagues have broken through the logjam in that body and created the opportunity for the Senate, as well, to pass meaningful budget reforms.

In May of this year, Representatives STENHOLM, PENNY, and KASICH introduced the Common Cents Budget Reform Act, H.R. 4434, which included budget reforms in four major areas. These are:

Baseline budgeting reform: Presidential and congressional budgets and CBO cost estimates would compare proposed spending to current actual spending, not an inflated baseline.

Guaranteeing a cut is a cut: Amendments to cut appropriations bills could apply savings directly to deficit reduction, rather than to other spending; discretionary spending caps would be adjusted to reflect the savings in spending-cut amendments. This would be carried out by creation of a deficit reduction account, or lockbox, in each appropriations bill.

Modified line-item veto expedited rescissions: Congress would be required to vote promptly on Presidential proposals to rescind appropriations or strike narrowly targeted tax benefits.

Maintaining the integrity of emergency appropriations: Action on genuine emergencies would be expedited by barring the addition of nonemergency items.

In recent weeks, under growing pressure from deficit hawks, the House leadership allowed three bills to come to the floor: H.R. 4600, dealing with expedited rescissions; H.R. 4907, concerning budget baselines; and H.R. 4906, concerning the emergency appropriations process.

In all three cases, the House passed the stronger of the proposals before it, by large, bipartisan majorities.

On final passage, the House voted by a margin of 342 to 69 to pass the stronger expedited rescission language, by voice vote to create a static spending baseline, and by 406 to 6 to keep extraneous matters out of appropriations bills.

Today, along with my colleague from Colorado, Senator BEN NIGHTHORSE CAMPBELL, and a number of other Senators, I am introducing the Senate companion to the Common Cents Budget Reform Act. Our bill includes technical revisions that were made when three-fourths of these provisions passed the other body.

While the introduction of this latest version of these reforms comes late in the current session, I want to stress that all of these ideas have been around for a long time.

For example, the mechanics of the modified line-item veto/expedited rescission title of the common cents bill is very similar to the bill S. 690, that Senators KEMPTHORNE, COHEN, and I introduced last year. That bill, in turn, the result of conversations we had with then-Representative Tom Carper and other House colleagues who successfully pushed a different version through the other body in 1992.

Five times during the 103d Congress, the Senate took votes on versions of a line-item veto. Three times these proposals received the support of a majority of Senators. Twice, large, bipartisan majorities in the Senate passed sense-of-the-Senate amendments in favor of some version of a line-item veto or expedited rescission process. Three times in 3 years, the House has passed the actual statutory reforms. Now is the time for the Senate to act.

Similarly, changes in computing and presenting a budget baseline and in the process for passing emergency appropriations bill have been debated for about as long as baselines and emergency appropriations themselves have existed. More than a year ago, I testified in favor of baseline reforms before the Joint Committee on the Organization of Congress.

Finally the need for a cut-is-a-cut rule, also called a deficit-reduction lockbox, has become evident from our experience under the discretionary spending caps created under the 1990 budget agreement.

Many times, we have seen Members in both bodies offer spending cuts in specific programs, invoking the worthy goal of deficit reduction. Whether we agreed or disagreed with any particular cut, most of us were frustrated by the fact that any such cut could not be required to apply to deficit reduction unless we overcame a 60-vote point of order in the Budget Act.

I opposed the 1990 budget agreement. I agree that the domestic spending caps are about the only part of that agreement that has worked. I cannot imagine that anyone who was involved in the 1990 budget agreement for the purpose of reducing the deficit could have intended that a 60-vote point of order should be available to thwart additional deficit reduction.

Therefore, last year, Senator SHELBY and I introduced the Deficit Reduction Assurance Act, which would lower the caps on outyear spending when Congress makes a current cut in an appropriations bill. Senator KEMPTHORNE and Representative CRAPO introduced similar lockbox bills at about the same time. The common cents bill includes a refined version of these proposals.

All of this I point out to stress that our bill does not raise new issues. It merely contains the newest refined, bipartisan solutions to familiar problems.

Yesterday, a letter was hand-delivered to the Senate majority leader from no less than 114 Members of the House, 57 Democrats and 57 Republicans, asking him to allow the Senate to vote on the three House-passed common cents reforms, without procedural obstacles.

I rise today to make that same request on the Senate floor, on behalf of the many Senators who support these reforms and support having a fair vote on them before the Congress goes home this year.

These are not radical reforms. The issues are familiar. It is not precipitous or premature to request that we be allowed up-or-down votes on them this year. It would not be a rush to judgement to pass them and see them signed into law this year. It would be reform to do so, real reform.

Between 342 and 435 Members of the other body have final come to the realization that these are the types of reforms the American people want. Now is the time for the Senate to wake up to the same reality.

I ask unanimous consent that I may include additional materials in the RECORD, including a summary of the Craig-Campbell common cents bill, the text of the bill, and a copy of the letter of the majority leader from 114 House Members.

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

S. 2458

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 "Common Cents Budget Reform Act of 1994".

TITLE I—REFORM OF BASELINE BUDGETING

SEC. 100. SHORT TITLE.

This title may be cited as the "Baseline Budgeting Reform Act of 1994".

SEC. 101. THE BASELINE.

Except for purposes of adjusting the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974, section 257(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in the second sentence of paragraph (1), by striking "sequentially and cumulatively" and by striking "for inflation as specified in paragraph (5),"; and

(2) and by redesignating paragraph (6) as paragraph (5).

SEC. 102. THE PRESIDENT'S BUDGET.

(a) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

"(5) except as provided in subsection (b) of this section, estimated expenditures and appropriations for the current year and estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years following that year;".

(b) Section 1105(a)(6) of title 31, United States Code, is amended by inserting "current fiscal year and the" before "fiscal year".

(c) Section 1105(a)(12) of title 31, United States Code, is amended by striking "and" at the end of subparagraph (A), by striking the period and inserting "; and" at the end of subparagraph (B), and by adding at the end the following new subparagraph:

"(C) the estimated amount for the same activity (if any) in the current fiscal year.".

(d) Section 1105(a)(18) of title 31, United States Code, is amended by inserting "new budget authority and" before "budget outlays".

(e) Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(30) a comparison of levels of estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction.".

(f) Section 1109(a) of title 31, United States Code, is amended by adding after the first sentence the following new sentence: "These estimates shall not include an adjustment for inflation for programs and activities subject to discretionary appropriations.".

SEC. 103. CONGRESSIONAL BUDGET.

Section 301(e) of the Congressional Budget Act of 1974 is amended by—

(1) inserting after the second sentence the following: "The starting point for any deliberations in the Committee on the Budget of each House on the concurrent resolution on the budget for the next fiscal year shall be the estimated level of outlays for the current year in each function and subfunction. Any increases or decreases in the Congressional budget for the next fiscal year shall be from such estimated levels."; and

(2) striking paragraph (8) and redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively, and by inserting after paragraph (7) the following new paragraphs:

"(8) a comparison of levels for the current fiscal year with proposed spending and revenue levels for the subsequent fiscal years along with the proposed increase or decrease of spending in percentage terms for each function and subfunction; and

"(9) information, data, and comparisons indicating the manner in which and the basis on which, the committee determined each of the matters set forth in the concurrent resolution, including information on outlays for the current fiscal year and the decisions reached to set funding for the subsequent fiscal years;".

SEC. 104. CONGRESSIONAL BUDGET OFFICE REPORT TO COMMITTEES.

(a) The first sentence of section 202(f)(1) of the Congressional Budget Act of 1974 is amended to read as follows: "On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report for the fiscal year commencing on October 1 of that year with respect to fiscal policy, including (A) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and deficits) compared to comparable levels for the current year and (B) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in such levels based on proposals in the budget submitted by the President for such fiscal year.".

(b) Section 202(f)(1) of the Congressional Budget Act of 1974 is amended by inserting after the first sentence the following new sentence: "That report shall also include a table on sources of spending growth under current law in total mandatory spending for the budget year and the ensuing 4 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.".

(c) Section 202(f)(3) of the Congressional Budget Act of 1974 is amended by striking "and" before "(B)" and inserting a comma, and by inserting before the period at the end the following: ", and (C) all programs and activities with permanent or indefinite spending authority or that fall within section 401(c)(2)(C)".

(d) Section 308(a)(1) of the Congressional Budget Act of 1974 is amended—

(1) in subparagraph (C), by inserting ", and shall include a comparison of those levels to comparable levels for the current fiscal year" before "if timely submitted"; and

(2) by striking "and" at the end of subparagraph (C), by striking the period and inserting "; and" at the end of subparagraph (D), and by adding at the end the following new subparagraph:

"(E) comparing the levels in existing programs in such measure to the estimated levels for the current fiscal year.".

TITLE II—CHANGES IN DISCRETIONARY SPENDING LIMITS

SEC. 200. SHORT TITLE.

This title may be cited as the "Guaranteed Spending Cut Act of 1994".

SEC. 201. DOWNWARD ADJUSTMENTS OF DISCRETIONARY SPENDING LIMITS.

(a) DOWNWARD ADJUSTMENTS.—The discretionary spending limit for new budget authority for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amount in the Deficit Reduction Account set forth in each appropriation bill (or changed in the case of a rescission bill pursuant to section 1012 of the Congressional Budget Act of 1974), as calculated by the Director of the Office of Management and Budget. The adjusted discretionary spending limit for outlays for that fiscal year and each outyear as set forth in such section 601(a)(2) shall be reduced as a result of the reduction of such budget authority, as calculated by the Director of the Office of Management and Budget based upon programmatic and other assumptions set forth in the joint explanatory statement of managers accompanying the conference report on that bill. Reductions (if any) shall occur on the day that each such appropriation bill is enacted into law. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget Act of 1974, amounts in Deficit Reduction Accounts shall only be used to make the adjustments specified in this subsection.

(b) DEFINITION.—As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations.

SEC. 202. DEFICIT REDUCTION ACCOUNTS IN APPROPRIATION MEASURES AND IN RESCISSION BILLS.

(a) DEFICIT REDUCTION ACCOUNTS.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"DEFICIT REDUCTION ACCOUNTS IN APPROPRIATION BILLS AND RESCISSION BILLS

"SEC. 314. (a) Any appropriation bill or rescission bill that is being marked up by the Committee on Appropriations (or a subcommittee thereof) of either House shall contain a line item entitled 'Deficit Reduction Account'.

"(b) Whenever the Committee on Appropriations of either House reports an appropriation bill, that bill shall contain a line item entitled 'Deficit Reduction Account' comprised of the following:

"(1) Only in the case of any general appropriation bill containing the appropriations for Treasury and Postal Service (or resolution making continuing appropriations (if applicable)), an amount equal to the amounts by which the discretionary spending limit for new budget authority and outlays set forth in the most recent OMB sequestration preview report pursuant to section 601(a)(2) exceed the section 602(a) allocation for the fiscal year covered by that bill.

"(2) Only in the case of any general appropriation bill (or resolution making continuing appropriations (if applicable)), an amount not to exceed the amount by which the appropriate section 602(b) allocation of new budget authority exceeds the amount of new budget authority provided by that bill (as reported by that committee).

"(3) Only in the case of any bill making supplemental appropriations following enactment of all general appropriation bills for the same fiscal year, an amount not to exceed the amount by which the section 602(a) allocation of new budget authority exceeds the sum of all new budget authority provided by appropriation bills enacted for that fiscal year plus that supplemental appropriation bill (as reported by that committee).

"(c)(1) Any amendment which is offered to reduce budget authority to an appropriation bill during its consideration by the Committee on Appropriations (or any subcommittee thereof) of either House of Congress or by either House may increase the amount placed in the Deficit Reduction Account by an amount which does not exceed the reduction in budget authority contained in the amendment. Any amendment to rescind budget authority during consideration of any bill by the Committee on Appropriations (or any subcommittee thereof) of either House of Congress or by either House may increase the amount placed in the Deficit Reduction

Account by an amount which does not exceed the increase in the rescission contained in the amendment.

"(2) Whenever any amendment referred to in paragraph (1) is agreed to increasing the amount contained in the Deficit Reduction Account, then the line item entitled 'Deficit Reduction Account' shall be increased by that amount.

"(3) Any amendment referred to in paragraph (1) shall identify the program, project, or account which is to be reduced in order to increase the Deficit Reduction Account by the amount set forth in that amendment.

"(d)(1) Any amendment pursuant to subsection (c)(1) shall be in order even if amending portions of the bill not yet read for amendment with respect to the Deficit Reduction Account and shall not be subject to a demand for a division of the question in the House of Representatives (or in the Committee of the Whole) or in the Senate. It shall be in order to further amend the amount placed in the Deficit Reduction Account after that amount has been changed by amendment. It shall not be in order to reduce the amount placed in the Deficit Reduction Account unless it is pursuant to a motion to strike any proposed rescission under section 1012(c)(1)(C) or section 1012(c)(3)(B). It shall not be in order to offer an amendment increasing a Deficit Reduction Account unless the amendment increases rescissions or reduces appropriations by an equivalent amount.

"(2) During consideration of such an amendment to an appropriation bill in the House of Representatives, if the original motion offered by the floor manager proposed to place an amount in the Deficit Reduction Account that is less than the lower of the level in the House or Senate bill, then pending such original motion and before debate thereon, a motion to insist on disagreement to the amendment proposed by the Senate shall be preferential to any other motion to dispose of that amendment. Such a preferential motion shall be separately debatable for one hour equally divided between its opponents and the proponents of the original motion. The previous question shall be considered as ordered on such a preferential motion to its adoption without an intervening motion.

"(3) The committee report accompanying any appropriation bill or rescission bill in the House of Representatives or Senate and the joint statement of the managers accompanying the conference report on that bill shall set forth—

"(A) for any general appropriation bill, the amount of new budget authority and outlays derived from the difference between the section 602(b) allocations and the appropriation bills;

"(B) for any appropriation bill (except a general appropriation bill) but only if all 13 general appropriation bills have been enacted for that fiscal year, the amount of new budget authority and outlays to be derived from the difference between the section 602(a) allocations and the sum of appropriation bills for the current year and that bill; and

"(C) for any amendment described in subsection (c)(1) changing the amount in a Deficit Reduction Account, the program, project, or account assumptions;

for amounts in the Deficit Reduction Account.

"(e) As used in this section—

"(1) the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations; and

"(2) the term 'rescission bill' means any bill which rescinds budget authority, including a bill referred to by section 1012.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

"Sec. 314. Deficit reduction accounts in appropriation bills and rescission bills.".

TITLE III—EXPEDITED RESCISSIONS AND TARGETED TAX BENEFITS

SEC. 300. SHORT TITLE.

This title may be cited as the "Modified Line Item Veto/Expedited Rescission Act of 1994".

SEC. 301. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act or repeal of any targeted tax benefit provided in any revenue Act. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates or the targeted tax benefit proposed to be repealed, as the case may be. It shall include a Deficit Reduction Account. The President may place in the Deficit Reduction Account an amount not to exceed the total rescissions in that bill. A targeted tax benefit may only be proposed to be repealed under this section during the 20-legislative-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be repealed.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

"(A) the amount of budget authority which he proposes to be rescinded;

"(B) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

"(C) the reasons why the budget authority should be rescinded;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission; and

"(E) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and to the maximum extent practicable, the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority is provided.

Each special message shall specify, with respect to the proposed repeal of targeted tax benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C)(i) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

"(ii) It shall not be in order for a Member of the House of Representatives to move to strike any proposed rescission under clause (i) unless the amendment reduces the appropriate Deficit Reduction Account if the program, project, or account to which the proposed rescission applies was identified in the Deficit Reduction Account in the special message under subsection (b).

"(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B)(i) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

"(ii) It shall not be in order for a Member of the House of Senate to move to strike any proposed rescission under clause (i) unless the amendment reduces the appropriate Deficit Reduction Account if the program, project, or account to which the proposed rescission applies was identified in the Deficit Reduction Account in the special message under subsection (b).

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

"(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted to Congress under subsection (b) shall be deemed repealed, unless either House rejects the bill transmitted with that special message.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term 'legislative day' means, with respect to either House of Congress, any day of session; and

"(3) The term "targeted tax benefit" means any provision which has the practical effect of providing a benefit in the form of a differential treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012 and 1017"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking "or the reservation"; and

(B) in subsection (e)(1), by striking "or a reservation" and by striking "or each such reservation".

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking "is to establish a reserve or", by striking "the establishment of such a reserve or", and by striking "reserve or" each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking "rescission bill introduced with respect to a special message or";

(B) in subsection (b)(1), by striking "rescission bill or", by striking "bill or" the second place it appears, by striking "rescission bill with respect to the same special message or", and by striking ", and the case may be,";

(C) in subsection (b)(2), by striking "bill or" each place it appears;

(D) in subsection (c), by striking "rescission" each place it appears and by striking "bill or" each place it appears;

(E) in subsection (d)(1), by striking "rescission bill or" and by striking ", and all amendments thereto (in the case of a rescission bill)";

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: "Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.";

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking "rescission bill or" and by striking "amendment, debatable motion," and by inserting "debatable motion";

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 1012. Expedited consideration of certain proposed rescissions.".

TITLE IV—TREATMENT OF EMERGENCY SPENDING

SEC. 400. SHORT TITLE.

This title may be cited as the "Emergency Appropriations Integrity Act of 1994".

SEC. 401. TREATMENT OF EMERGENCY SPENDING.

(a) EMERGENCY APPROPRIATIONS.—Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence: "However, OMB shall not adjust any discretionary spending limit under this clause for any statute that designates appropriations as emergency requirements if that statute contains an appropriation for any other matter, event, or occurrence, but that statute may contain rescissions of budget authority.".

(b) EMERGENCY LEGISLATION.—Section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence: "However, OMB shall not designate any such amounts of new budget authority, outlays, or receipts as emergency requirements in the report required under subsection (d) if that statute contains any other provisions that are not so designated, but that statute may contain provisions that reduce direct spending.".

(c) NEW POINT OF ORDER.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"POINT OF ORDER REGARDING EMERGENCIES

"SEC. 408. It shall not be in order in the House of Representatives or the Senate to consider any bill or joint resolution, or amendment thereto or conference report thereon, containing an emergency designation for purposes of section 251(b)(2)(D) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 if it also provides an appropriation or direct spending for any

other item or contains any other matter, but that bill or joint resolution, amendment, or conference report may contain rescissions of budget authority or reductions of direct spending, or that amendment may reduce amounts for that emergency.".

(d) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

"Sec. 408. Point of order regarding emergencies.".

THE COMMON CENTS BUDGET REFORM ACT OF 1994—SUMMARY

The existing federal budget process suffers from a growing crisis of confidence among the American people. Families that pay their bills and live within their means cannot understand the reports that come out of Washington, DC, about "spending cut" bills that result in more spending, program terminations that do not reduce spending or the budget deficit, and narrow-interest "pork" that withstands all efforts to isolate and strip it out of huge, omnibus spending and tax bills.

The Common Cents Budget Reform Act is a bipartisan effort to reverse the bias in the existing budget process toward higher spending and abusive, "special interest" favors. The Act would do so by making the process more honest, understandable, disciplined, and accountable. It contains four basic reforms:

TITLE I. BASELINE BUDGETING REFORM ACT—COMPARING SPENDING INCREASES/CUTS TO ACTUAL SPENDING LEVELS

When a government program funded at $25 million this year says it needs $29 million next year and receives $27 million, Congress takes credit for a $2 million "*spending cut*." This is because current law requires budget proposals to be measured against a "baseline"—which includes automatic adjustments for inflation, legislated changes scheduled to take effect, and projected caseload increases.

While such adjustments may provide useful information to policy makers who want to know how much it would cost to maintain current services and benefits, they also result in programs growing in size and cost after supposedly being "cut." At best, ordinary Americans have come to believe that the government is overrun with budget wonks using surreal arithmetic. At worst, they believe their government is lying to them.

The decision of whether a government program should grow or shrink, whether due to economic, demographic, or policy reasons, is one that should be faced squarely by elected officials and reported to the public in clear, straightforward terms. To this end, the Common Cents Budget Reform Act would:

Require both the President and Congress to compare their budget proposals to amounts actually spent in the prior year, rather than against an inflated baseline.

Stipulate that Congressional Budget Office (CBO) cost estimates of pending legislation must include a comparison with the prior year's actual spending level.

Amend the legal definition of the official baseline so that it no longer assumes automatic growth in discretionary spending.

Instruct CBO to enumerate all the programs funded on an automatic, open-ended basis rather than subject to annual Congressional review (i.e., entitlement programs) and identify the reasons behind their projected growth.

TITLE II. GUARANTEED SPENDING CUT ACT—ENSURING THAT A CUT IS A CUT

Members of the Senate and House, as well as their constituents, have become all to familiar with the frustration that results when Members adopt an amendment to cut specific spending items out of appropriations bills, only to see that money re-routed to other spending programs, instead of deficit reduction. This practice both leads to spending-cut amendments being taken less seriously and gives opponents of a given cut the argument that the money will still be spent, anyway. To ensure that spending-cut amendments have their intended effect, the Common Cents Budget Reform Act would:

Allow Members of Congress to designate that all or some of the savings from any floor amendment to an appropriations bill be directed to deficit reduction.

Ensure that the proceedings from spending cuts actually go to deficit-reduction by automatically adjusting the overall discretionary spending caps by the amount of the savings.

Reduce the cap on discretionary spending if the budget resolution establishes a lower limit on such spending than that allowed under the cap.

Preserve the Appropriations Committees' prerogative to maintain reserve funds for future needs.

TITLE III. MODIFIED LINE ITEM VETO/EXPEDITED RESCISSION ACT—COMPELLING ACTION ON SPENDING CUTS AND TARGETED TAX BREAKS

Under current law, Congress is free to ignore any rescission of spending proposed by the President. Some have argued that this fact can allow a president to appear fiscally responsible while proposing rescissions he/she knows will never be accepted. On the other hand, a President unwilling to shut down vital government functions by vetoing an entire appropriations bill has no effective means of singling out objectionable items that never would stand scrutiny on their own, individual merits. As common as this complaint has become about spending bills, increasing attention also has been called to similar "pork" in tax bills, in the form of special breaks narrowly targeted to one or a few beneficiaries. To increase accountability, the Common Cents Reform Act would:

Enable the President to strike excessive or low-priority spending items without vetoing an entire appropriations bill; rescissions may be submitted at any time.

Enable the President to strike special-interest, narrowly-targeted, tax benefits in a similar fashion, within 10 days of enactment of the bill containing the provisions.

Allow the President to earmark savings for deficit reduction.

Require Congress to consider the spending rescission or targeted tax benefit items submitted by the President on an expedited basis.

Allow Congress to vote on individual items within the President's package.

Preserve the Appropriations Committees' prerogative to move their own rescission bills.

TITLE IV. EMERGENCY APPROPRIATIONS INTEGRITY ACT—KEEPING NON-EMERGENCY ITEMS OUT OF EMERGENCY SPENDING BILLS

Items that would not pass on their own merits often are added to bills that were introduced to provide appropriations in response to emergencies. This approach has become more popular under the Budget Enforcement Act of 1990, which exempts emergencies from the caps on discretionary spending. For example, in February, the President's request for $6.2 billion in Budget Authority for the victims of the California earthquake grew to more than $11 billion, with add-ons for everything from the design of a new Amtrak station to copies of White House electronic mail. To halt this practice, the Common Cents Budget Reform Act would:

Bar non-emergency items from being added to emergency appropriations bills.

Expedite Congressional action on genuine emergencies by preventing emergency bills from being made controversial by the addition of non-emergency items.

Prevent using "emergency" spending bills as the vehicles that carry additional spending on "pork," pet projects, or items that should be addressed through the regular legislative process.

Prohibit conferees from dropping cuts included in both House and Senate bills.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 1994.

Hon. GEORGE MITCHELL,
Senate Majority Leader, Russell SOB.

DEAR SENATOR MITCHELL: As you know, the House of Representatives has approved several budget process reform bills over the last few weeks. We are writing to strongly encourage you to work with the committees of jurisdiction to bring these bills to the Senate floor for an up or down vote as soon as possible.

The legislation passed by the House would make three reasonable reforms to restore honesty and accountability in the budget process:

Expedited Rescissions (H.R. 4600).—Congress would be required to vote promptly by majority vote on Presidential proposals to rescind spending or strike narrowly targeted tax benefits. H.R. 4600 was passed on July 14 by a vote of 342–69.

Maintaining the Integrity of Emergency Appropriations (H.R. 4906).—The integrity of the emergency spending process would be protected by preventing extraneous, non-emergency items from being added to emergency spending legislation. The Emergency Spending Control Act of 1994 was approved by a vote of 406–6 on August 17.

Baseline Budgeting Reform (H.R. 4907).—The President's budget, the budget resolution, and the Congressional Budget Office would be required to compare spending levels to the previous year's spending instead of an inflated baseline. The Full Budget Disclosure Act was passed by a voice vote on August 12.

Given the strong, bi-partisan support for these bills in the House, they deserve serious consideration by the Senate. Legislation incorporating provisions identical to the bills passed by the House has been introduced in the Senate. We are concerned about press reports that the Senate will allow these bills to die through inaction. Therefore, we respectfully urge you to allow the Senate to vote on the merits of these proposals without procedural hurdles before the end of the 103rd Congress.

We look forward to working with you in enacting these common sense reforms of the budget process. Thank you for your consideration.

Sincerely,

CHARLES STENHOLM,
JOHN R. KASICH,
TIM PENNY.

DEMOCRATS SIGNING BUDGET PROCESS REFORMS LETTER TO SENATOR MITCHELL

Robert Andrews, Peter Barca, Tom Barrett, Bill Brewster, Glen Browder, Leslie

Byrne, Maria Cantwell, Ben Cardin, Bob Clement, Gary Condit.

Jim Cooper, Sam Coppersmith, Pat Danner, Nathan Deal, Peter DeFazio, Kika de la Garza, Calvin Dooley, Karan English, Eric Fingerhut, Elizabeth Furse.

Pete Geren, Dan Glickman, Ralph Hall, Lee Hamilton, Jane Harman, Jimmy Hayes, Tim Holden, Earl Hutto, Andy Jacobs.

Tim Johnson, Herb Klein, Greg Laughlin, Larry LaRocco, Marilyn Lloyd, David Mann, Marty Meehan, David Minge, Bill Orton, Mike Parker.

L.F. Payne, Tim Penny, Collin Peterson, Owen Pickett, Glenn Poshard, Tim Roemer, J. Roy Rowland, Lynn Schenk, Karen Shepherd, Norm Sisisky.

John Spratt, Charlie Stenholm, Dick Swett, Billy Tauzin, Gene Taylor, Karen Thurman, Tim Valentine, Harold Volkmer.

REPUBLICANS SIGNING BUDGET PROCESS REFORMS LETTER TO SENATOR MITCHELL

Dick Armey, Wayne Allard, Herbert Batemen, John Boehner, Dan Burton, Sonny Callahan, Charles Canady, Mike Castle, Larry Combest, Chris Cox.

Michael Crapo, David Dreier, Jennifer Dunn, Bill Emerson, Harris Fawell, Bob Franks, Elton Gallegly, Jim Greenwood, Wally Herger.

David Hobson, Martin Hoke, Bob Inglis, Nancy Johnson, John Kasich, Scott Klug, Jim Kolbe, Rick Lazio, Jim Leach, Al McCandless.

Bill McCollum, Jim McCrery, John McHugh, Alex McMillan, Jan Meyers, Dan Miller, Susan Molinari, Jim Nussle, John Porter, Rob Portman.

Deborah Pryce, Jack Quinn, Jim Ramstad, Ralph Regula, Rick Santorum, Chris Shays, Lamar Smith, Nick Smith, Olympia Snowe, Gerald Solomon.

Floyd Spence, Charles Taylor, Craig Thomas, Fred Upton, Bob Walker, Don Young, Bill Zeliff, Dick Zimmer.

• Mr. ROTH. Madam President, I am proud to join Senator CRAIG and others today in introducing a package of budget process reform measures that are critical to help curb Federal spending. Federal spending has grown dramatically over the past several years, and this package contains four essential reform measures that Congress should pass before its adjournment this fall.

I am particularly enthusiastic about two reform measures that would guarantee that a vote for a spending cut would actually cut spending overall, and not allow that pot of money to be spent on other discretionary programs. The first reform would require that any successful amendment to reduce spending in an appropriations bill could not be spent for other programs. The enforcement mechanism would require that the overall discretionary spending cap would be adjusted downward to reflect the savings in a spending cut amendment.

For example, earlier this summer, I along with Senator SMITH of New Hampshire proposed an amendment to the fiscal year 1995 Commerce, State, Justice appropriations bill to scale back all noncrime fighting funding for fiscal year 1995 to the current, or enacted level for this fiscal year 1994. This amendment would have saved over $2.5 billion over the next year. However, even if the Senate adopted our amendment, this $2.5 billion could have still been spent on other discretionary programs. This loophole must be closed to ensure that a vote to cut spending actually translates into a vote to directly reduce the deficit.

The second reform would restore the integrity of the emergency designation reserved for emergency appropriations that address true natural disasters. In recent years Americans have faced devastating floods, hurricanes, and earthquakes. Yes, I believe that Federal government does have a legitimate role in assisting affected communities. But, it has become commonplace to attach nonemergency funds to an emergency appropriations bill that is exempt from the overall discretionary cap spending limits. This practice must be stopped. This reform would also prohibit conferees from dropping spending cuts included in both House and Senate bills.

The third reform would require Presidential and congressional budgets and CBO cost estimates to be compared to current actual spending, not an inflated baseline that automatically increases spending year after year. This reform would also instruct the Congressional Budget Office to enumerate all Federal programs funded on an automatic basis rather than subject to congressional review and identify the reasons behind their projected growth.

The final budget process reform would require Congress to consider all Presidentially proposed spending rescissions or targeted tax benefit items on an expedited schedule. The reform would also enable the President to strike excessive or low-priority spending items without vetoing an entire appropriations bill. This modified line item veto-expedited rescission measure is critical to reduce Federal expenditures.

As you know, Mr. President, the House has already approved on a bipartisan basis, three of the four reform proposals contained in this bill. There is still time for the Senate to take action on this package, and I therefore urge that it be considered before our fall adjournment.

Mr. President, I am proud to be an original cosponsor of this bill to reform four critical flaws in our current budget process. The Common Cents Budget Reform Act of 1994 is a good first step to curb Federal expenditures. Budget process reform, however, will not take the place of the hard choices that face Senators when casting votes to reduce Federal expenditures, but, in my opinion they are necessary reforms that are long overdue.•

ADDITIONAL COSPONSORS

S. 1013

At the request of Mr. CHAFEE, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1013, a bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate the value of land subject to a qualified conservation easement if certain conditions are satisfied, to permit a qualified conservation contribution where the probability of surface mining is remote, and to make technical changes to the alternative valuation rules.

S. 1887

At the request of Mr. BAUCUS, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 2070

At the request of Mr. KOHL, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 2070, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal hours of limitations.

S. 2071

At the request of Mr. LIEBERMAN, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 2071, a bill to provide for the application of certain employment protection and information laws to the Congress, and for other purposes.

S. 2171

At the request of Mr. CONRAD, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 2171, a bill to amend the Immigration and Nationality Act to waive the foreign country residence requirement with respect to foreign medical graduates.

S. 2234

At the request of Mr. BREAUX, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 2234, a bill to amend the Mississippi River Corridor Study Commission Act of 1989 to extend the term of the commission established under that Act.

S. 2246

At the request of Mr. DORGAN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 2246, a bill to require the Secretary of the Treasury to include organ donation information with individual income tax refund payments.

S. 2305

At the request of Mr. AKAKA, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 2305, a bill to provide that members of the Board of Veterans' Appeals be referred to as veterans law judges, to provide for the pay of such members, and for other purposes.

S. 2310

At the request of Mr. CONRAD, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 2310, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of payment under part B of the Medicare Program relating to anesthesia services furnished by certified registered nurse anesthetists, and for other purposes.

S. 2325

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 2325, a bill to amend certain laws under the jurisdiction of the Secretary of Veterans Affairs to reauthorize programs relating to substance abuse and homeless assistance for veterans, to authorize a demonstration program to provide assistance to homeless veterans, and for other purposes.

S. 2410

At the request of Mr. GRAMM, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 2410, a bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes.

S. 2411

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2411, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 2448

At the request of Mr. SHELBY, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 2448, a bill to impose a moratorium on immigration by aliens other than refugees, certain priority and skilled workers, and immediate relatives of United States citizens and permanent resident aliens.

SENATE JOINT RESOLUTION 107

At the request of Mr. BINGAMAN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Joint Resolution 107, a joint resolution to designate the first Monday in October of each year as "Child Health Day."

SENATE JOINT RESOLUTION 184

At the request of Mr. THURMOND, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Massachusetts [Mr. KERRY], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 184, a joint resolution designating September 18, 1994, through September 24, 1994, as "Iron Overload Diseases Awareness Week."

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Joint Resolution 186, a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

SENATE JOINT RESOLUTION 219

At the request of Mr. LEAHY, the names of the Senator from Georgia [Mr. COVERDELL] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 219, a joint resolution to commend the U.S. rice industry, and for other purposes.

SENATE CONCURRENT RESOLUTION 69

At the request of Mr. METZENBAUM, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Concurrent Resolution 69, a concurrent resolution expressing the sense of the Congress that any legislation that is enacted to provide for national health care reform should provide for compensation for poison control center services, and that a commission should be established to study the delivery and funding for poison control services.

SENATE RESOLUTION 257

At the request of Mrs. KASSEBAUM, the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Resolution 257, a resolution to express the sense of the Senate regarding the appropriate portrayal of men and women of the Armed Forces in the upcoming National Air and Space Museum's exhibit on the *Enola Gay*.

SENATE RESOLUTION 262

At the request of Mr. FEINGOLD, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Resolution 262, a resolution concerning the use of United States forces and military operations in Haiti.

SENATE RESOLUTION 264

At the request of Mr. MCCAIN, the names of the Senator from Montana [Mr. BURNS] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Resolution 264, a resolution expressing the sense of the Senate that the President should issue an Executive order to promote and expand Federal assistance for Indian institutions of higher education and foster the advancement of the National Education Goals for Indians.

S. 1208

At the request of Mr. WOFFORD, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 1570

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1570, a bill to amend title 18, United States Code, to prevent persons who have committed domestic abuse from obtaining a firearm.

S. 2007

At the request of Mr. WOFFORD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2007, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the end of World War II and General George C. Marshall's service therein.

S. 2101

At the request of Mr. BRADLEY, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2101, a bill to provide for the establishment of mandatory State-operated comprehensive one-call systems to protect all underground facilities from being damaged by any excavations, and for other purposes.

S. 2337

At the request of Mr. LOTT, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2337, a bill to extend benefits for qualified service to certain merchant mariners who served during World War II, and for other purposes.

S. 2347

At the request of Mr. SASSER, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Michigan [Mr. LEVIN], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 2347, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution.

S. 2411

At the request of Mr. DOLE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2411, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 2416

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2416, a bill to authorize the Secretary of Health and Human Services to award grants and contracts to establish community response teams and a technical assistance center to address the development and support of community response teams.

SENATE JOINT RESOLUTION 206

At the request of Mr. WOFFORD, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint

Resolution 206, a joint resolution designating September 17, 1994, as "Constitution Day."

SENATE JOINT RESOLUTION 208

At the request of Mr. WOFFORD, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Arizona [Mr. MCCAIN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Illinois [Mr. SIMON], the Senator from Michigan [Mr. LEVIN], the Senator from Kansas [Mr. DOLE], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 208, a joint resolution designating the week of November 6, 1994, through November 12, 1994, "National Health Information Management Week."

SENATE JOINT RESOLUTION 218

At the request of Mr. WARNER, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Minnesota [Mr. DURENBERGER] the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 218, a joint resolution designating January 16, 1995, as "Religious Freedom Day."

SENATE RESOLUTION 257

At the request of Mrs. KASSEBAUM, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Resolution 257, a resolution to express the sense of the Senate regarding the appropriate portrayal of men and women of the Armed Forces in the upcoming National Air and Space Museum's exhibit on the *Enola Gay*.

NOTICES OF HEARINGS

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 Wednesday, September 28, 1994 at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Rhea L. Graham, nominee to be Director of the U.S. Bureau of Mines, Department of the Interior.

For further information, please contact Rebecca Murphy at (202) 224-7562.

SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would like to announce for the public that the Senate Special Committee on Aging has scheduled a hearing titled "Uninsured Bank Products: Risky Business for Seniors?" to examine the sale of uninsured bank products to older Americans.

The hearing will take place on Thursday, September 29, 1994, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Theresa Forster, Staff Director, at (202) 224-5364.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BOREN. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, September 22, 1994, at 2 p.m., to hold a markup.

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

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. BOREN. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., September 22, 1994, to receive testimony on the question of immigration in the Commonwealth of the Northern Mariana Islands.

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

COMMITTEE ON ARMED SERVICES

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday September 22, 1994, in closed session, to receive a briefing on results of the nuclear posture review.

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

COMMITTEE ON ARMED SERVICES

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, September 22, 1994, at 2 p.m. in executive session, to vote on the nomination of Lt. Gen. Buster C. Glosson, USAF to be placed on the retired list in the grade of Lieutenant General and to vote on other pending military and civilian nominations on which the committee has been briefed.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 22, beginning at 10 a.m. to conduct a hearing on the condition of the banking and thrift industries and a markup of Robert Larson, to be a member of the Thrift Depositor Protection Oversight Board; and Alan Diamonstein, to be a member of the board of directors of the National Corporation for Housing Partnerships.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on September 22, 1994, at 2:30 p.m. on S. 1991—Professional Boxing Safety Act.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 22, 1994, at 10 a.m. to hold a business meeting to vote on pending items.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BOREN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 22, 1994, at 10 a.m. to hold a closed conference with the House Intelligence Committee on the fiscal year 1995 intelligence authorization bill.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on September 23, 1994, at 9:30 a.m. on pending committee business.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent to hold a markup on the nomination of Kenneth W. Kizer, M.D., to be Under Secretary for Health at the Department of Veterans Affairs, and on pending legislation at 11 a.m. on Friday, September 23, 1994. The markup will be held in room 418 of the Russell Senate Office Building.

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

ADDITIONAL STATEMENTS

ACQUISITION MANAGEMENT PROBLEMS IN THE NAVY

• Mr. ROTH. Mr. President, yesterday I released a General Accounting Office report that details how the Navy circumvented important procedures in the development of its new attack jet. Two years ago, I asked the General Accounting Office to determine whether

the F-18 E/F is an upgrade of the existing F-18 aircraft or a new program stealthily hidden from standard oversight. The GAO's findings should be of concern to the Congress, the taxpayers, and to F-18 aircrews who may fly the new aircraft in combat.

Mr. President, the Navy maintains that the F-18 E/F will be only a larger, more capable version of today's F-18. But, the E/F version will have significantly different wings, fuselage, avionics, weapons stations, and engines. Moreover, the baseline cost estimates of about $95 billion for the E/F version dwarfs the $13 billion program baseline for today's F-18. Now, the GAO is reporting that the changes are so significant that the existing aircraft cannot be upgraded to the E/F version. In addition, a completely new and separate production line will be required.

Mr. President, the GAO report says that the Defense Department acquisition bureaucracy determined the F-18 E/F to be only a modification, and that it did so within the scope of existing regulations. There is no precedent for this. What concerns me is the GAO's finding that: "By treating this as a modification, some steps normally followed for new acquisitions have been skipped." Included in the steps waived, were live fire testing, definition of operational needs, and cost-effectiveness analysis. It is disturbing that the bureaucracy wastes its innovations on procedural shenanigans, instead of saving money or developing better capabilities.

Some of the problems with the Navy's approach are already starting to become visible. For example, the cost to develop the F-18 E/F was estimated at $2.5 billion, but the official estimate has now doubled to $5 billion and independent analysts suggest that the actual development cost will be $7 billion to $8 billion. This dwarfs the costs of developing and procuring most new weapons, let alone the costs for developing the upgrade to existing equipment.

Mr. President, the decision to waive the live fire testing laws is particularly troubling. Live fire and operational testing are the keys to the Congress' fly-before-buy policy. The policy states that a weapon should not be produced until testing shows that it works. In a system where bureaucratic interests carry more weight than results, realistic tests are vital to make sure weapons work before they are given to those who must depend on them in battle. I am particularly concerned about the Pentagon's attempt to dodge the live fire testing process on the F-18 E/F, since the Defense Department told the General Accounting Office that survivability of aircraft is a critical reason for the F-18 E/F. The Pentagon's own live fire testing director determined that full live fire testing was required, but was overruled.

Mr. President, the GAO has found that the Navy has uncovered a new way to circumvent good management procedures; simply define a new program to be an upgrade of an existing system. I find this to be totally consistent with the Defense Department's management problems that leave it incapable of fielding technology in an affordable manner and when needed. The vast majority of weapon acquisition programs are experiencing serious cost and schedule problems, and the GAO has said that cost overruns of 20 to 40 percent are to be expected. The cost-overrun on today's F-18 is 56 percent.

Mr. President, for many years, I have maintained that major cultural and structural reforms are needed in the Pentagon's buying system. Until the buying system is changed, the results won't change. I support the notion of streamlining the acquisition process, but in doing so the process must focus on results. But, the Navy's approach on the F-18 will not demonstrate results.

On Tuesday, the House passed the Federal Acquisition Streamlining Act, and I am hopeful that it will yield needed changes. But, until the bill is properly implemented, the GAO's report highlights the fact that it's still business as usual in the Pentagon.●

CONGRESSIONAL ACCOUNTABILITY ACT—S. 2071

● Mr. LIEBERMAN. Mr. President, I rise to ask that it be noted in the RECORD that although Senator PATTY MURRAY was added yesterday as a cosponsor of S. 2071, the Congressional Accountability Act, it was the clear intention of Senator MURRAY to be an original cosponsor of S. 2071 when Senator GRASSLEY and I introduced the bill on May 4, 1994. I would also like to note that Senator MURRAY was a cosponsor of S. 1439, an earlier version of the Congressional Accountability Act, which I introduced in 1993. Senator MURRAY's support of this legislative effort has been unwavering, and it is only due to simple oversight that her name was not included in the list of original cosponsors of S. 2071 as printed. I thank Senator MURRAY for her strong commitment to enactment of this legislation.●

SUPER 301 AND UNITED STATES-JAPAN NEGOTIATIONS

● Mr. BAUCUS. Mr. President, a week from today, on September 30, we will reach the deadline for naming unfair trade practices under Super 301. With that on the horizon, I rise today to express my concern that time is running out on the framework talks with Japan.

FRAMEWORK NEGOTIATIONS

The framework talks have now continued for 14 months. They began after President Clinton's meeting with then-Prime Minister Miyazawa at the 1993 G-7 meeting in Tokyo. At that time, we agreed on three major points. The President and Prime Minister pledged to: No. 1, open Japan's market in the insurance, auto, and autoparts sectors; make Japan's Government procurement policies in telecommunications and medical equipment more open and fair; No. 2, stimulate consumer demand in Japan through macroeconomic policy reforms; and No. 3, make the United States more competitive through deficit cutting and responsible fiscal policy.

RESULTS OF THESE COMMITMENTS

The third of these areas received the least attention. But it has been by far the most successful. The United States has lived up to its commitment. Last year's budget reduced the Federal deficit by $480 billion over 5 years, created a stronger base for American economic growth without inflation, and created about 2 million new jobs. It is no exaggeration to say that every prediction its opponents made about this budget has been proven wrong.

We have seen much less in the other areas of the framework agreement. The talks have dragged on month after month. Mexico has passed Japan as our second largest government. Three Japanese Governments have come and gone. But through it all, two things have remained constant: the Japanese bureaucracy's determination to avoid deregulation and market-opening measures, and the rise in Japan's trade surplus.

Now, however, we have reached a moment of truth. Either Japan will agree to market-opening measures in insurance, government procurement, and automobiles—areas in which the collusive practices and barriers to access are blatant—or the United States must proceed under the President's Super 301 Executive Order toward possible sanctions.

This is not inevitable. Over the last few weeks, the United States and Japan have made significant progress on reaching agreements on insurance and government procurement. Japanese Foreign Minister Kono met the President yesterday. Negotiations are continuing. And I would hope that deals can be reached in these two areas.

In the auto and autoparts sector, however, the picture is still grim. The Japanese auto industry has threatened to stop its "cooperation" with American auto companies if the United States stands firm. I respectfully submit that is a threat so hollow as to be ridiculous. It is like the lion threatening to stop lying down with the lamb. In any case, in this area as others, I look forward to and hope for progress.

ASSESSMENT OF SUPER 301

We have a lot of work to do in the next week. And if this framework succeeds, we will still have a lot of work

to do. Unless the Japanese Government fulfills its commitment to deregulation and economic reform nationwide, we will have a long, difficult task of sector-by-sector market opening ahead. But it is clear to me that we would not have gotten even this far without the market-opening leverage Super 301 has provided the administration over the past months.

This builds on a strong previous record of success compiled in 1989 and 1990, when the United States had a statutory Super 301 process under the 1988 Trade Act. In that period, Super 301 helped open the Japanese Government market for United States supercomputers and satellites, and cut tariffs on processed wood products. The simple prospect of identification under Super 301 convinced several of our trading partners, such as Korea and Taiwan, to conclude major market opening agreements with the United States.

Super 301 is a tough and successful trade tool. By setting finite periods for negotiations to eliminate foreign trade barriers; backing up those talks with the possibility of trade sanctions; and holding out countries with blatant market barriers up to the world as unfair traders, Super 301 gets results.

And we can see those results in higher exports and more jobs. The most negative recent evaluation of Super 301, in fact, concludes that Super 301 has raised American exports by $4 to $5 billion a year, thus creating about 80,000 high-paying export jobs.

The study called that relatively insignificant. But I can guarantee you, the mill workers who now hold some of those jobs do not find it insignificant at all. That would be the last word they use.

SUPER 301 SHOULD BE PART OF THE GATT BILL

This record of success is why it is so important to extend Super 301 for 5 years as part of the GATT implementing bill. Statutorily extending Super 301 would send a strong message to the rest of the world—especially Japan—that both the U.S. Congress and the administration is serious about market opening. It would also make sure future administrations continue their commitment to open markets around the world for U.S. companies and U.S. products.

Last month, the Senate Finance Committee overwhelmingly passed an amendment that I cosponsored with Senators DANFORTH, DASCHLE, and RIEGLE, which would reinstall Super 301 for 5 years. Our amendment parallels the language we passed in the 1988 Trade Act. It requires the U.S. Government to continue its practice of annually naming the worst obstacles to free trade. Countries would be given 180 days to negotiate the removal of their trade barriers or face possible retaliation.

Including Super 301 in the implementing bill will be especially important for the United States in the new post-Uruguay round trading system. Under Super 301, the United States will be able to identify key violations of our new GATT rights and initiate WTO dispute settlement to redress those rights. Super 301 will help make sure that improvements in the dispute settlement procedures result in the most possible benefit to our country's citizens and companies.

CONCLUSION

We will see the final GATT bill within the next week. I strongly believe Super 301 should be part of it. And I believe the United States should stand by its position on the framework talks. We do not ask anything from Japan beyond fairness, reciprocity, and open markets. We have met the commitments we made to Japan on our side of the framework. It is time for Japan to do the same.●

INFORMATION SECURITY AND PRIVACY ON COMPUTER NETWORKS

● Mr. ROTH. Mr. President, our society is rapidly becoming a world of instant communications, with huge amounts of information being passed from computer to computer and available in countless data banks. Telecommunications now reach far beyond the telephone. Governments at all levels, corporate America, many American families, and academia rely on computer networks to conduct their business.

Every day, more entities are linked to one another via computer networks. The world's largest data network is the Internet, which is funded by the Federal Government and connects virtually every commercial computer network used by Americans at home and work. The Office of Technology Assessment estimates that as many as 30 million people can use the Internet.

The Internet has truly become the backbone of the business community, and access to it is considered vital. It increases productivity by allowing researchers, scientists, and engineers to collaborate. Projects can be completed faster and with fewer people simply because the same information can be shared electronically across States and continents. Vendors can provide their customers with a higher level of service and support because problems can now be solved electronically, over the Internet.

Time and money can be saved by choosing from the thousands of free software packages. Small American companies are able to sell products overseas at a fraction of the cost of hiring a sales staff and sending it overseas.

Last fall, the New York Times and the Wall Street Journal reported a major incident—a broad scale electronic break-in of these databanks and the companies that rely on them.

An organization, named Panix, that provides access to the Internet for many New York companies put out the following message:

> * * * a security incident of very large proportion has occurred * * *. If your site appears on this list, you should be particularly worried.

Panix provided a list of over 100 companies affected. Soon after these reports, it became clear that the University of Delaware was affected. Last February, the Washington Post reported that a rash of break-ins was underway. Corporate secrets, confidential personal data, academic research, and financial information were at risk.

As the Internet has grown, so too have the problems of information security and privacy, increasing 50 percent per year. The teenage hacker who tested the system for fun in the 1980's has grown up. Now, a hacker is called a cracker and FBI agents believe that a typical cracker is in it for monetary gain. Today, I am releasing a report by the Office of Technology Assessment that evaluates this situation and makes recommendations for action by the Congress and administration.

There is a fine line between Government's place in encouraging and providing a fertile environment and the need to actively control the flow of personal and corporate information. There are some obvious areas of Government involvement. For example, the Internal Revenue Service is among those agencies who rely increasingly on computer networks for such things as filing tax returns. This report points out that anyone who pays Federal taxes has to wonder about who is browsing through their financial data.

Our Nation's economic competitiveness and American jobs rely on how well technical data can be protected. Laws and enforcement were uncomplicated when trade secrets were kept on paper. In the age of computers, trade secrets can be stolen without the knowledge of any other than those who benefit. As the report points out, such acts affect the jobs, well-being, and livelihood of millions of Americans.

We need to recognize the potential danger and act accordingly. Last year, I asked the Office of Technology Assessment to look at such problems and recommend changes. Its report notes that the Government is not doing a good job here. The report warns that:

> * * * without careful planning, understanding security concerns, and adequate training, the prospect of plagiarism, fraud, corruption or loss of data, and improper use of networked information could affect the privacy, well-being, and livelihoods of millions of people.

The Office of Technology Advancement report that I am releasing today underscores the fact that much work remains to be done in the area of information security. First, Mr. President, I am very concerned over how the administration is developing and deploying to industry the technology to safeguard information. Instead of being on

the forefront of this rapidly developing field, the administration has chosen a path independent of industry. The report finds the administration's approach to be laden with bureaucratic infighting and lacking direction.

It has haphazardly promulgated a technology which the Office of Technology Assessment questions will even work, is unpopular with industry, and will ultimately retard other technologies.

Second, the situation is no better within the Federal Government. The Computer Security Act of 1987 required that the National Institute for Standards and Technology develop information security standards. Instead, multiple bureaucracies have been fighting over proposed standards. The report found little evidence that any real progress is being made toward safeguarding information within the Federal Government, as required by the Computer Security Act.

Third, there are major policy issues that the Congress must address. Perhaps the most important issue is whether Government should have access to private encrypted data? The Government should not be using a computer chip to become Big Brother. If agencies need access to network data for a criminal investigation, they should go to court as they do today. In addition, the report notes that there is a real question as to whether technologies exist that can really make networks secure. I believe that this is a technology question that the marketplace should answer, not the Government.

Mr. President, the Office of Technology Assessment report underscores the fact that much more work must be done. I encourage my colleagues to read this important report. It provides necessary knowledge that Congress must have if it is to make laws and undertake other actions needed to take government into the 21st century. I intend to pursue hearings on the report early next year. On the basis of those hearings, I intend to develop amendments to the Computer Security Act.•

FACES OF THE HEALTH CRISIS

• Mr. RIEGLE. Mr. President, I rise today to continue my effort to put a face on the health care crisis. Today I would like to share the story of Estella Armstrong from Kalamazoo, MI.

Estella will be 54 years old in November. She was divorced in 1972 and since that time has tried to support herself as best she can. Her five children are all grown, some of them have moved far away from Kalamazoo, and like most Americans they struggle to make ends meet.

Estella had worked for over 10 years at one Michigan bank as a mail teller until she lost her job in 1983. The bank was experiencing a takeover so it cut full-time employees to reduce their costs. Estella had to start her career over at the age of 43. Luckily, in 1984 she was able to get a job as a teller at another bank, where she had very comprehensive health insurance coverage. However, after only 1 year her position was transferred to Jackson, a city 2 hours from her home. Without savings, Estella could not afford the cost of relocating to follow the job. Once again she had no job and no health care.

Although she applied for many positions, the job market for middle-aged women like herself was small. And in 1986, while still unemployed and uninsured, disaster struck Estella. She was diagnosed with advanced colon cancer and had surgery 3 days later. The operation successfully removed all of the cancerous tissue. Since Estella had no insurance or savings, the hospital wrote off the $8,000 surgical charge, as well as the home nursing she needed to recover.

After her cancer scare, Estella's doctors advised her to have a colonoscopy regularly, at the least every 3 years. Estella is a noninsulin dependent diabetic, so she also should have had her blood sugar checked monthly, a procedure that costs $150. But without coverage, she could not afford to take either of these preventive measures.

Unable to find full-time work, Estella began working part-time at a Sears department store in 1987 for $3.75 an hour. Clearly, on these low wages she was still not able to purchase health insurance or pay for care on her own.

Then in 1988 Estella began experiencing strong stomach pains. Because she did not have a regular doctor, she waited several days before finally going to the hospital emergency room. After being told nothing was wrong with her, Estella went home and suffered for a week before rushing back to the hospital. This time she was taken into emergency surgery to correct a bowel obstruction. The condition was so far advanced that her intestines were pushed up into her stomach. Although her $18,000 surgery was provided by the hospital as charity care, Estella was still left with the $900 charge for anesthesia, which she continues to pay on installment.

In 1992, she finally moved into a full-time position at Sears, which meant that she could apply for health insurance that would be paid for by the company. After years without regular medical care Estella was eager for coverage, but the health insurance company refused to cover her because of her diabetes and experience with colon cancer.

Estella now works full-time at $6 per hour. A monthly blood test to monitor her diabetes would take one-quarter of her paycheck, so she is forced to forego medical testing. Her children are not in a position to help her, so Estella is on her own. She tells me that if Sears paid for her health insurance she could afford to make the copayments that would be required. But she does not earn enough to purchase health insurance on her own.

Estella is especially afraid for her future now that she knows she cannot get insurance at all because of her preexisting conditions. For the past year her feet have been burning at work, so she takes aspirin and soaks her feet daily. She thinks it may be a result of uncontrolled diabetes. Her mother lost a limb and eventually died from this disease, and Estella is afraid that her own condition could worsen as well.

Estella is one of the millions of people in this country who do not have insurance and desperately need health care. These individuals do not have access to preventive care and end up in hospital emergency rooms, facing shorter lives filled with physical and emotional suffering. Estella just wants the health insurance most people take for granted. It is for people like Estella Armstrong that we must continue our battle for health care reform, despite the many obstacles that we still face in Congress. Mr. President, it is for Estella that we need to pass health reform legislation.•

PRESIDENT CLINTON'S HAITI POLICY

• Mr. ROTH. Mr. President, on Wednesday, September 21, this body voted in favor of Senate Resolution 259, a nonbinding resolution concerning President Clinton's decision to send United States forces into Haiti. I wish to state my personal opinion of how that resolution should and should not be understood.

I supported Senate Resolution 259 because I wished both to commend our troops, who now are in Haiti in a most difficult situation and to express my gratitude to the Carter-Nunn-Powell delegation which pulled us back from the brink of open conflict. That vote should not be thought, in any sense, to demonstrate approval either for the Clinton decision to send our forces into Haiti or for the peculiar diplomacy which brought about this situation.

I most certainly commend the work of former President Carter, Senator NUNN, and General Powell in forestalling our military invasion of Haiti. On the other hand, I firmly believe that the United States has absolutely no security or economic interests in Haiti. Consequently, I do not believe that we should ever have been contemplating an invasion and the activities of these three worthy gentleman should never have been called for.

But President Clinton was determined to expand the lexicon of our national security interests. According to the White House, humanitarian concerns would now suffice to legitimate

U.S. military intervention, particularly in our hemisphere. Of course, such criteria could easily be used to legitimate an invasion of Guatemala or even Cuba, but the White House seems to have little concern for the implications of its policies.

Now we have gone into Haiti in order to halt the human rights abuses practices by the nation's military and police forces. Already, the inherent weaknesses of this policy are manifest. The three leaders of the Haitian military have agreed to resign, but General Cedras, for one, has already declared that he will not leave Haiti. The Haitian military and police forces, the instruments of repression we went in to remove from power are now, according to the head of the Joint Chiefs of Staff, responsible for the maintenance of law and order in Haiti. Given the fact that these were the responsibilities by held before the invasion, we can certainly question the value of that action, even on humanitarian grounds.

Now we discover—irony of ironies—that the repressive policy/military machine which we went in to remove from power is, according to published reports, going to be put on the U.S. payroll. I find it utterly horrendous that one day our President can condemn these individuals as the Western Hemisphere's worst human rights abusers and then, on the next day, he can place them on the Federal payroll. I trust that when the Senate considers the necessary appropriation measures, we will put an end to this nonsense.

I note, once again with some irony, that Senate Resolution 259 commends the prompt withdrawal of United States forces from Haiti. We can commend such a move every day of this session, but it appears that it is not going to happen. At this moment, the Clinton administration is planning to maintain a United States military presence in Haiti through January 1996, when Haiti's next Presidential elections will be held. At some stage we will witness a fig leaf transfer of the U.S. operation over to the United Nations, but the fact remains that by far the largest contribution to the U.N. force will come from the United States. In short, we are going to be in Haiti for some time. The administration knows it and plans for it, but it does not enjoy the support of the American public or the Congress.●

NATIONAL OPTICIANS MONTH

● Mr. GLENN. Mr. President, January 1995 will be celebrated throughout the United States as National Opticians Month. The Opticians Association of America and its member State societies sponsor this observance, and I am pleased to note that one of my constituents, R. Emil Hagman of Columbus, is president of the national association.

Mr. Hagman, his wife Karla and his father, Bob, and their colleagues nationwide are part of a system that assures our citizens the best in spectacles, contact lenses and low vision aids. As opticians, they have made it their life's work to bring technological advances to bear on the problem of seeing well while looking good. At some point in our lives, almost every American will need help to make the best use of our eyesight, and technology has brought us literally thousands of possible combinations of eyeglass frames and lenses, and a wide variety of contact lenses and low vision aids to make that possible.

Dispensing opticians are eyewear experts, specializing in fitting eyeglasses, contact lenses and other aids to good vision. Through formal education programs, voluntary national certification and mandatory licensing in many States, including Ohio, dispensing opticians acquire the skills and competence to guide eyewear consumers in their choices and to correctly, efficiently, and effectively fill the eyewear prescriptions written by eye doctors. As important members of our Nation's small business community, retail dispensing opticians are the competitive balance that keeps good vision within the reach of all.

I am glad to have this opportunity to recognize the work of dispensing opticians in the cause of good vision for all Americans. I applaud their efforts and congratulate Emil Hagman and his members on their successes.●

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 598, S. 1887, the National Highway System Designation Act of 1994; that the bill be read three times, passed, and the motion to reconsider laid upon the table; that any statements relating to this item be placed in the RECORD at the appropriate place as if read.

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

Mr. BAUCUS. Mr. President, I am pleased that today the Senate is considering S. 1887, the National Highway System Designation Act of 1994. This bill was recently reported out of the Environment and Public Works Committee on a unanimous vote and I thank my colleagues for their support of this measure.

When Congress passed the Intermodal Surface Transportation Efficiency Act, or ISTEA, in 1991, there was a recognition that we were moving out of the Interstate era and into the era of the National Highway System, or NHS.

ISTEA requires the Transportation Department and the States to identify, and Congress to approve, this successor to the Interstate System.

The National Highway System, in brief, is the network of critical roads that carry the bulk of our commerce. State governments have cooperated with us in developing it, by identifying more than 159,000 miles of roads as the backbone of our transportation system.

These roads make up only 4 percent of the nearly 4 million miles of public roads. But as time passes, they will carry over 40 percent of the highway traffic and 70 percent of commercial truck traffic. Given our budget deficit, we need to use our funds to maintain and improve the most important roads. By identifying the NHS routes, States will be able to target their money to make sure the highways that get the most use are also the safest and most efficient.

That is exactly what we need to stay competitive. The National Highway System's importance to a successful North American Free-Trade Agreement is one obvious example. Almost three-fifths of the United States-Canada freight and four-fifths of the United States-Mexico freight moves by truck. If we let our key roads deteriorate, we lose much of what we hoped to get through the NAFTA last year.

The NHS is the foundation of a seamless transportation network that incorporates all modes of transportation—using roads to link airports, seaports, transit stations, and railyards. It will make our businesses more competitive in a global economy. And by identifying the most important roads, it assists States in determining the appropriate uses of their scarce resources.

While we can no longer afford to view our transportation system as a collection of unconnected rail, water, and road networks, we also need to keep a focus on the needs of rural areas.

The National Highway System is especially vital to rural areas of the country—areas where highways often are the only method of transportation.

For Western States like Montana, immediate attention to the National Highway System is crucial, because we have no alternative to roads. We do not have the mass transit and water transport systems that a lot of other States depend on. We never will have them—we are a large State with no big cities. Because we are a rural State, highways are critical to our economy, our way of life, and the travel and tourism revenue we depend on.

In Montana, the bill includes nearly 4,000 miles of roads. That is 23 percent, or about 800 miles more than the Bush administration's original proposal. The additional routes include:

Highway 200 between Great Falls and Missoula, and from Lewistown going west to Winnett, Jordan, Circle, Sidney, and Fairview.

Highway 12 from Helena to Garrison Junction. Highway 59 from Miles City to Broadus.

Highway 87 between Billings, Roundup, and Grassrange.

Highway 212 from the Crow Agency to Lame Deer, and Alzada.

That is good news for Montana. And the other roads in the bill mean just as much for the entire region, across the Great Plains and down the Rocky Mountains.

All of these roads are included in the bill the Senate is considering today. Congress must approve the National Highway System by September 30, 1995 or funds for the NHS and interstate maintenance will be withheld from the States.

That means a loss to the States of $6.5 billion annually. And this translates into the loss of hundreds of thousands of jobs.

Furthermore, the earlier Congress acts, the greater funding stability there is for the States and the less disruption there will be to the States' complicated transportation planning process.

S. 1887 is a clean bill. It is a short, simple bill. It only deals with designation of the National Highway System. It does not address other extraneous matters. A clean bill is our best chance of enacting of the NHS this year. Loading up the bill with controversial matters will only delay action, bringing us closer to the deadline and increasing the uncertainty for all States.

Mr. President, this is a very important bill. It will serve as a framework for future transportation planning. I thank my colleagues again for their interest and support for this legislation.

Mr. President, I ask unanimous consent that a brief section-by-section description of S. 1887 be included in the RECORD.

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

SECTION-BY-SECTION ANALYSIS OF S. 1887

Section 1.—The bill is titled "The National Highway System Designation Act of 1994."

Section 2.—This section approves the most recent National Highway System submitted to Congress by the Secretary of Transportation. The section also specifies the procedure for future changes and modifications to the NHS after the initial system has been adopted by Congress. At the request of a State, the Secretary may add a new route segment to the NHS or delete an existing route segment and any connection to the route segment, as long as the segment or connection is within the jurisdiction of the requesting State and the total mileage of the NHS (including any route segment or connection proposed to be added) does not exceed 165,000 miles.

If a State requests a modification to the NHS as adopted by Congress, the State must establish that each change in a route segment or connection has been identified by the State in cooperation with local officials. This cooperative process between the State and local officials must be carried out under the existing transportation planning activities for metropolitan areas and the statewide planning processes established under ISTEA.

Congress will not approve or disapprove any subsequent modifications. The cooperative planning process between State and local officials, along with the approval of the Secretary, is the appropriate forum for considering modifications to the NHS following enactment of this legislation.

Mr. RIEGLE. Mr. President, I would like to ask a question of the chairman of the Environment and Public Works Committee. The bill the Senate is considering today, S. 1887—The National Highway System Designation Act of 1994—deals only with designation of the National Highway System or NHS. That is a matter within the jurisdiction of the Environment and Public Works Committee.

However, while the Senate bill only designates the NHS, the House-passed bill makes several changes in this Nation's transit system programs. Transit-related programs are within the jurisdiction of the Senate Committee on Banking, Housing and Urban Affairs. Is it the Senator's intent to include members of the Banking, Housing and Urban Affairs Committee as conferees should a conference on S. 1887 include transit-related matters?

Mr. BAUCUS. I thank the distinguished chairman of the Banking, Housing, and Urban Affairs Committee for his question. I want to make it very clear that the Senate is considering only S. 1887, not H.R. 4385. The sole purpose of the Senate bill is to designate the National Highway System, as required by the Intermodal Surface Transportation Efficiency Act of 1991. Let me assure my good friend that S. 1887 contains no provisions related to transit programs. Should the House of Representatives amend S. 1887 to include items within the jurisdiction of the Senate Banking, Housing and Urban Affairs Committee, it would certainly be my intention to discuss the matter with the distinguished chairman and other appropriate members of the committee to determine how best to proceed at that point, and include the Banking Committee on a conference of that bill if one is necessary.

Mr. RIEGLE. I thank the chairman of the Environment and Public Works Committee for his cooperation.

So the bill (S. 1887) was passed, as follows:

S. 1887

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 "National Highway System Designation Act of 1994".

SEC. 2. NATIONAL HIGHWAY SYSTEM DESIGNATION.

Section 103 of title 23, United States Code, is amended by inserting after subsection (b) the following new subsection:

"(c) NATIONAL HIGHWAY SYSTEM DESIGNATION.—

"(1) DESIGNATION.—The most recent National Highway System as submitted by the Secretary of Transportation pursuant to this section is hereby designated to be the National Highway System.

"(2) MODIFICATIONS.—

"(A) IN GENERAL.—At the request of a State, the Secretary may—

"(i) add a new route segment to the National Highway System, including a new intermodal connection; or

"(ii) delete a then existing route segment and any connection to the route segment,

if the total mileage of the National Highway System (including any route segment or connection proposed to be added under this subparagraph) does not exceed 165,000 miles (265,542 kilometers).

"(B) PROCEDURES FOR CHANGES REQUESTED BY STATES.—Each State that makes a request for a change in the National Highway System pursuant to subparagraph (A) shall establish that each change in a route segment or connection referred to in such subparagraph has been identified by the State, in cooperation with local officials, pursuant to applicable transportation planning activities for metropolitan areas carried out under section 134 and statewide planning processes carried out under section 135.

"(3) APPROVAL BY THE SECRETARY.—The Secretary may approve a request made by a State for a change in the National Highway System pursuant to paragraph (2) if the Secretary determines that the change—

"(A) meets the criteria established for the National Highway System under this title; and

"(B) enhances the national transportation characteristics of the National Highway System.".

CORRECTION IN THE ENROLLMENT OF S. 1587

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 291, a concurrent resolution to correct the enrollment of the conference report accompanying S. 1587, the Federal Acquisition Streamlining Act just received from the House; that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

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

So the concurrent resolution (H. Con. Res. 291) was agreed to.

APPROPRIATE PORTRAYAL OF MEN AND WOMEN IN THE ARMED FORCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Rules Committee be discharged from future consideration of Senate Resolution 257, a resolution regarding the appropriate portrayal of men and women in the Armed Forces in the upcoming National Air and Space Museum exhibit on the *Enola Gay*; that the Senate proceed to its immediate consideration, that the resolution and its preamble be agreed to en bloc; that the motions to reconsider be laid upon the table en bloc; and that any statements appear in the RECORD as if read.

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

So the resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 257) and its preamble are as follows:

S. RES. 257

Whereas the role of the Enola Gay during World War II was momentous in helping to bring World War II to a merciful end, which resulted in saving the lives of Americans and Japanese;

Whereas the current script for the National Air and Space Museum's exhibit on the Enola Gay is revisionist and offensive to many World War II veterans;

Whereas the Federal law states that "the Smithsonian Institute shall commemorate and display the contributions made by the military forces of the Nation toward creating, developing, and maintaining a free, peaceful, and independent society and culture in the United States";

Whereas the Federal law also states that "the valor and sacrificial service of the men and women of the Armed Forces shall be portrayed as an inspiration to the present and future generations of America"; and

Whereas, in memorializing the role of the United States in armed conflict, the National Air and Space Museum has an obligation under the Federal law to portray history in the proper context of the times: Now, therefore, be it

Resolved, That it is the sense of the Senate that any exhibit displayed by the National Air and Space Museum with respect to the Enola Gay should reflect appropriate sensitivity toward the men and women who faithfully and selflessly served the United States during World War II and should avoid impugning the memory of those who gave their lives for freedom.

TREATMENT OF THE CENTENNIAL BRIDGE, ROCK ISLAND, IL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 613, S. 1555, a bill to clarify the treatment of the Centennial Bridge, Rock Island, IL; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating to this item be placed in the RECORD at the appropriate place as if read.

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

So the bill (S. 1555) was passed, as follows:

S. 1555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CENTENNIAL BRIDGE, ROCK ISLAND, ILLINOIS, AGREEMENT.

For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa", approved March 18, 1938 (52 Stat. 110, chapter 48), shall be treated as if the agreement had been entered into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified in accordance with section 129(a)(6) of such title.

THE 75TH ANNIVERSARY OF THE GRAND CANYON NATIONAL PARK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Joint Resolution 221, a joint resolution commemorating the 75th anniversary of the Grand Canyon National Park, introduced earlier today by Senators MCCAIN and DECONCINI; that the resolution be read three times, passed, the motion to reconsider be laid upon the table; that the preamble be agreed to, and that any statements appear at the appropriate place in the RECORD as if read.

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

Mr. MCCAIN. I rise today on behalf of myself and Senator DECONCINI to introduce a Senate joint resolution commemorating the 75th anniversary of the Grand Canyon National Park.

This historic anniversary is important to people throughout the world but it's especially significant to the people of Arizona. As citizens of the Grand Canyon State, we take immense pride in the park and appreciate the awesome stewardship responsibility with which we, today's caretakers of the canyon, have been vested.

Senator DECONCINI and I have introduced this resolution to enable Congress to mark this important occasion. The resolution celebrates the unique natural heritage of the canyon. It also acknowledges the natural and cultural resources which make the canyon the crown jewel of the National Park Service.

I hope my colleagues will join me in supporting this resolution which commemorates 75 years of our efforts to meet the challenge made by President Roosevelt "To keep the canyon for our children and our children's children, and for all who come after us, as one of the great sights every American if he can travel at all should see."

So the joint resolution was passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 221) and its preamble are as follows:

S.J. RES. 221

Whereas the Grand Canyon of the Colorado River is a feature of enormous scientific interest and significance, whose unique geological, biological and cultural resources represent a natural laboratory of unparalleled diversity;

Whereas Grand Canyon National Park represents an integral part of the greater Colorado Plateau Ecosystem whose significance to the health of the natural systems of the American West increases with time;

Whereas the Grand Canyon of the Colorado River is one of the most spectacular examples of arid-land erosion anywhere in the world and reveals a geologic record whose significance is unparalleled;

Whereas Grand Canyon is a world Heritage Site and a natural feature of international significance whose aesthetic beauty reflects the aspirations of a free and independent people;

Whereas Grand Canyon National Park has received over 100,000,000 visitors since its establishment in 1919 and continues to serve the people of the United States and the world in their need for a place of outstanding natural beauty and refuge; and

Whereas Grand Canyon National Park was established by Act of Congress on February 26, 1919: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States of America on this date salutes Grand Canyon National Park and its custodians, the employees of the National Park Service, in honor of the park's 75th anniversary year.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDERS FOR MONDAY, SEPTEMBER 26, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 3 p.m. on Monday, September 26; that following the prayer the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

VA AND HUD APPROPRIATIONS ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I move to proceed to the conference report accompanying H.R. 4624, the Veterans Affairs-HUD appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4624) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

(The conference report is printed in the House proceedings of the RECORD of August 26, 1994.)

PROGRAM

Mr. MITCHELL. Mr. President, the Senate will return to session at 3 p.m.

on Monday to take up the VA–HUD appropriations bill.

Under an agreement reached between myself and the distinguished Republican leader, all amendments which are to be offered to that bill must be offered on Monday and fully debated on Monday. Any votes that are required, both with respect to amendments and final passage, will occur on Tuesday. So there will be no rollcall votes on Monday. However, I repeat, all amendments which are to be offered to that bill must be offered on Monday, and we will remain in session as long as is necessary to consider such amendments. But no amendment will be in order after Monday. The bill will be closed as of close of business on Monday, and the votes will occur on Tuesday at a time to be determined and announced prior to then.

Mr. President, we are approaching the end of this legislative session. Nearly a year ago when announcing the schedule for this second session of the 103d Congress, I designated October 7 of this year as the target date for final adjournment of the Senate. I hope that we can complete the important business before the Senate in time to meet that target date. But whether or not we are able to do so will depend almost entirely upon the actions of Senators themselves.

Over the past few days, we have witnessed in the Senate unprecedented obstructionist actions. I have asked the Senate Historian, the Senate Parliamentarian, and others with knowledge of the history and practices of the Senate, and no one can recall nor can anyone find any record of a similar series of events as have occurred in the Senate this week.

We have had unprecedented increasing use of the filibuster in the Senate by the Republican minority to prevent action on legislation. But not ever before, to the knowledge of those familiar with the history of the Senate, in the more than 200 years of our Nation's history, have we had filibusters on trying to go to conference on a bill as we are now facing here.

Mr. President, it makes completing action in the Senate extremely difficult, if not impossible. I recognize that is the objective of those who are engaging in such unprecedented actions. But one of the effects of such actions is to make it impossible for the Senate to conduct any business, even that business which is required by law and which all Senators want to accomplish, and also makes it extremely difficult, if not impossible, to meet the target date or any other date for final adjournment.

Senators have shown an increasing willingness to exploit the rules to maximum political and partisan advantage with virtually no concern for the effects on the institution itself. The constant disparagement of this institution by word and deed by those who are Members of the institution brings discredit upon the Senate, and I believe upon those themselves who engage in such tactics and practices.

We simply have to get to a point where there can be some degree of comity and some degree of cooperation and some willingness to refrain from trying to gain maximum political advantage through use of the Senate rules.

There was a time in American life when political campaigns were conducted at limited and designated times and in limited and designated places.

All limitations on time have vanished, as political campaigns are now conducted around the clock, 365 days a year, year in, year out; and it appears that all limitations on place have vanished, as the Senate increasingly itself becomes a forum for political campaigns. Over and over again, we get amendments and other actions that are offered not with any legislative purpose of any kind, but blatantly, openly acknowledged by people who are involved in the process as being done for political purposes, to get people on record so that 30-second spots can be run against them.

We only have a few weeks left. We have only a few bills left to pass, and they are important. I hope our colleagues will join in restoring a sense of purpose that is positive to this institution, but more important, I hope that they will join in restoring a sense of meaning and commitment to the institution itself.

The Senate is larger than any individual Member, larger than any bill, larger than any cause of the moment. And yet, the direction in which the Senate is heading as a result of the actions of some of its Members is, I fear, the wrong one.

So I hope that at the very least we can begin to adopt practices which are positive and refrain from the unprecedented obstruction which is occurring. It is one thing if Senators do not like a bill; that happens to all of us every day. It is one thing if we debate a bill and offer alternatives and have a vote and accept the result. It is even one thing if a Senator wants to filibuster a bill, or even if a Senator wants to filibuster taking up a bill. But when we now reach the point where we are having filibusters on going to conference with a bill, we are reaching a point that has never before been reached in the history of this Senate. I believe that is unfortunate and, more than that, I believe that those who engage in these tactics will themselves come to rue them.

I hope very much that we can reach agreement on a narrow but important agenda and on an end to obstructionist tactics and complete our business on or close to the target date for final adjournment. I think we will serve not only ourselves and our constituents well, but also something seems little in the minds of the Senators these days, we will serve well the Senate itself.

Mr. President, I am advised that the distinguished Senator from Ohio is on his way to the Senate and wants to address the Senate. There are no other requests for speakers. Therefore, I ask unanimous consent that when he arrives and is recognized, the Senator from Ohio be permitted to address the Senate as in morning business, and upon the completion his remarks, the Senate stand in recess as previously ordered.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

STATEMENT OF SENATE MAJORITY LEADER GEORGE J. MITCHELL AT THE SENATE SPOUSES AND RETIRING MEMBERS DINNER

Mr. GLENN. Mr. President, it has been my honor and my pleasure on three occasions, following the election in 1988, the election in 1990, and the election in 1992, to nominate Senator GEORGE MITCHELL to be our majority leader. And I have never for 1 minute regretted those nominations.

To my mind, GEORGE has been an exemplary majority leader and the Senate is going to be the loser when he leaves at the end of this term, with, of course, his decision not to run again.

He has served with courage and legislative skill, with tenacity, with judgment, with fairness, and with a really true concern for the people of this country. That has been his guiding motive.

I will have more to say later in the session about this, because I know I, along with all of my colleagues, regret that GEORGE is going to be leaving the Senate.

Last evening, there was a dinner that was held here on Capitol Hill for the retiring Senators. GEORGE made some remarks at that dinner that I thought were particularly apropos. He briefly addressed the fact that we have a lot of cynicism in this country today—some deserved, of course; but much of it not—but this Government goes on—and we have had our trials and tribulations in the past—because of the people who are willing to come here and serve, at some sacrifice. And their reward is normally in the satisfaction they get for seeing that this country moves ahead and that our people have more opportunities in the future than the previous generations had.

I thought that our majority leader spoke very eloquently last evening. I asked, although he spoke mainly from notes, that there be a transcript of his remarks prepared, which was done today. I wanted to make certain that his remarks got a wider audience than just the group of Senators and Senators' spouses who were at the function last evening. So that transcript has been prepared.

As I say, I will have a lot more to say about GEORGE later on before the end of this session, but I ask unanimous consent that the statement of Senate Majority Leader GEORGE MITCHELL at the Senate spouses and retiring Members dinner of last evening be printed in the RECORD.

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

STATEMENT OF SENATE MAJORITY LEADER GEORGE J. MITCHELL AT THE SENATE SPOUSES AND RETIRING MEMBERS DINNER, SEPTEMBER 22, 1994

I am one of the Senators who will not be returning in January. I will miss the retiring Senators and all of our colleagues. Each is leaving for different reasons.

I will leave because of my personal concept of public service. Unfortunately, some have speculated that I'm leaving because of the difficulties of serving in Congress.

That speculation is not accurate. Of course there are difficulties and frustrations. We all know that. But I'm proud to be a member of the United States Senate. It's a great honor, the greatest of my life.

Criticism of the Congress is frequent today. But that's not new.

Most Americans cherish the view that during World War II—a time when the nation was unified in the fight against fascism—all of us pulled together, and cheerfully shared sacrifice and hardship.

But history tell us otherwise. In reality, throughout the War, the Congress was under intense attack for the wartime hardships.

Members of Congress were touchy and defensive. Speaker Rayburn said he was "damned tired of having Congress made the goat for everything." Senator Walter George said he was tired of "indiscriminate sniping and yowling."

It's still fashionable to criticize Congress. The criticism so resonates with the American people that some members of Congress are themselves among the leading voices in disparaging this institution.

But it's important to keep it in perspective. There never was a time when the Congress was a loved institution. Americans, members of the first truly egalitarian society, have always been skeptical of those who are set apart, whether by wealth, by election, or for any other reason.

That's a good thing; a healthy thing. It keeps our feet on the ground.

But when skepticism turns to cynicism, as it lately has, we risk undermining democracy.

Every system of government, by definition, has an executive. Throughout most of human history, that's all most governments have had: A dominant executive, usually in the form of an elected monarch.

Individual freedom, the liberty that we Americans have come to take for granted, largely came about when independent legislatures came into existence.

Across the sweep of human history, the institution most responsible for the preservation of individual liberty has been the independent legislature.

The men who wrote the Constitution had as their central objective the prevention of tyranny in America.

They had lived under a British King. They did not want there ever to be an American King.

They were brilliantly successful. In two centuries, we've had 42 presidents and no kings.

Because power is so widely dispersed in our system, the Congress, like parliaments in other democracies, often looks chaotic, and disorganized. We often earn the criticism we get.

Every society includes inpatient people who want to see rapid change, swift progress, sometimes even revolution. Every society also includes people secure with things as they are, who resist change.

The tensions created by such competing pressures are what drive us. How much change does a society need to stay vibrant? How much must a society conserve to remain orderly?

The critics think we get the answers wrong. And they question our motives and our values.

But what the critics miss is that public service gives work a value and meaning greater than mere personal ambition and private goals.

I've been in the private sector, then in public office, and I'm returning to the private sector. I take nothing away from private life when I say that I don't think anything can ever give the deep and meaningful satisfaction that comes from public service.

Public service must be and is its own reward, for it guarantees neither wealth nor popularity. And, to paraphrase Rodney Dangerfield, you don't get no respect, either.

It's often frustrating. But when you do something that will change the lives of people for the better, then it's worth all the frustrations.

Ours is virtually the only government in history dedicated to opening doors, not closing them.

In America today, I believe anyone can go as far and reach as high as work, talent, and education allow. We can't equalize effort or talent. But we can equalize opportunity—the promise of a fair chance to succeed.

It's because of the promise of America that I, the son of an uneducated, immigrant factory worker from a small town in Maine, was able to become the Majority Leader of the United States Senate.

It's why Robert Byrd, our friend and mentor, could rise from the hard coal fields of West Virginia to serve as Leader in his time.

It's why my friend and colleague, Bob Dole, could come out of Russell, Kansas and be Leader in his time.

Whatever new problems arise, whatever unforeseeable challenges come, if we can keep that promise alive for our children and theirs, America will never lose her way. For me, that's the purpose of public service, its inspiration and finally, its reward. We are among a very fortunate few to have been able to reap that reward.

Thank you for the privilege of serving with you.

RECESS UNTIL 3 P.M., MONDAY, SEPTEMBER 26, 1994

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 3 p.m., September 26, 1994.

Thereupon, at 4:41 p.m., the Senate recessed until Monday, September 26, 1994, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 23, 1994:

FEDERAL EMERGENCY MANAGEMENT AGENCY

KAY COLLETT GOSS, OF ARKANSAS, TO BE AN ASSOCIATE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

KENNETH MALERMAN JARIN, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL OF THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1998.

DEPARTMENT OF DEFENSE

JUDITH A. MILLER, OF OHIO, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

LAURIE O. ROBINSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

JEREMY TRAVIS, OF NEW YORK, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF JUSTICE.

NANCY E. GIST, OF MASSACHUSETTS, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE.

AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. JEFFREY G. CLIVER, XXX-XX-XXXX, REGULAR AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ERVIN J. ROKKE, XXX-XX-XX..., U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ROBERT M. ALEXANDER, XXX-XX-XXXX, U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 8036:

TO BE SURGEON GENERAL, U.S. AIR FORCE

To be lieutenant general

MAJ. GEN. EDGAR R. ANDERSON, JR., XXX-XX-XXXX, U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. LESTER L. LYLES, XXX-XX-XXXX, U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. EDWIN E. TENOSO, XXX-XX-XXXX, U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. MERRILL A. MCPEAK, XXX-XX-XX..., U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8351 AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. ROBERT W. BARROW, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. ROBERT G. CHRISJOHN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. STEFFEN P. CHRISTENSEN II, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. HARRIS R. HENDERSON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. ROBERTA V. MILLS, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. HERBERT J. SPIER, JR., [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. WILLIAM A. TREU, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES

To be brigadier general

COL. KEITH D. BJERKE, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. SAMUEL G. DEGENERES, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. WILLIAM F. DOCTOR, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. ROBERT S. DUTKO, SR., [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. VERNA D. FAIRCHILD, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. DANIEL J. GIBSON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. GARY L. HINDOIEN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. TIMOTHY J. LOWENBERG, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. WILLIAM B. LYNCH, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. JAMES R. MCKINNEY, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. JOHN R. METZ, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. SCOTT A. MIKKELSEN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. ALLAN W. NESS, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. KENNETH S. PETERSON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. AUSTIN P. SNYDER, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. RICHARD E. SPOONER, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. JAMES E. THOMEY, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. RICHARD W. TUTTLE, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. SALVATORE VILLANO, JR., [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. JAMES E. WHINNERY, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE RESERVE TO THE POSITION AND GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8038:

To be chief of Air Force Reserve

MAJ. GEN. ROBERT A. MCINTOSH, [redacted] UNITED STATES AIR FORCE RESERVE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593, 8351 AND 8374:

To be major general

BRIG. GEN. THOMAS W. POWERS, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. DAVID E. B. WARD, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES

To be brigadier general

COL. ROBERT L. BIEHUNKO, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. JOSEPH L. CANADY III, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. JAMES H. GRESHIK, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. STANLEY P. MAY, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. KENNETH W. MCGILL, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. GEORGE F. SCOGGINS, JR., [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. MILES B. SCRIBNER, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES
COL. CAROL M. THOMAS, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JOHN G. LORBER, [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. HOWELL M. ESTES III, [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lietenant general

MAJ. GEN. EVERETT H. PRATT, JR., [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENTS TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD W. IVERSON, [redacted] U.S. AIR FORCE

ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601(A) AND 304(B):

TO BE CHIEF OF THE NATIONAL GUARD BUREAU

To be lieutenant general

MAJ. GEN. EDWARD D. BACA, [redacted] U.S. ARMY

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593(A), 3385 AND 3392:

To be brigadier general

COL. ALEX R. GARCIA, [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. CLAIR F. GILL, [redacted]
BRIG. GEN. GEORGE E. FRIEL, [redacted]
BRIG. GEN. JAN A. VAN PROOYEN, [redacted]
BRIG. GEN. DAVID L. BENTON III, [redacted]
BRIG. GEN. EDWARD G. ANDERSON III, [redacted]
BRIG. GEN. NORMAN E. WILLIAMS, [redacted]
BRIG. GEN. ROBERT H. SCALES, JR., [redacted]
BRIG. GEN. JOHN E. LONGHOUSER, [redacted]
BRIG. GEN. WILLIAM L. NASH, [redacted]
BRIG. GEN. RICHARD A. CHILCOAT, [redacted]
BRIG. GEN. JOHN A. VAN ALSTYNE, [redacted]
BRIG. GEN. ARTHUR T. DEAN, [redacted]
BRIG. GEN. ROBERT S. COFFEY, [redacted]
BRIG. GEN. LARRY R. ELLIS, [redacted]
BRIG. GEN. LAWSON W. MAGRUDER, [redacted]
BRIG. GEN. RUSSELL L. FUHRMAN, [redacted]
BRIG. GEN. MONTGOMERY C. MEIGS, [redacted]
BRIG. GEN. CHARLES G. SUTTEN, JR., [redacted]
BRIG. GEN. BILLY K. SOLOMON, [redacted]
BRIG. GEN. PAUL J. KERN, [redacted]
BRIG. GEN. GERARD P. BROHM, [redacted]
BRIG. GEN. CHARLES C. CANNON, JR., [redacted]
BRIG. GEN. ROGER G. THOMPSON, JR., [redacted]
BRIG. GEN. JAMES M. LINK, [redacted]
BRIG. GEN. RANDOLPH W. HOUSE, [redacted]
BRIG. GEN. JOHN COSTELLO, [redacted]
BRIG. GEN. JOHNNY M. RIGGS, [redacted]
BRIG. GEN. PETER J. SCHOOMAKER, [redacted]
BRIG. GEN. JACK P. NIX, JR., [redacted]

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CARMEN J. CAVEZZA, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. THEODORE G. STROUP, JR., [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. FREDERICK M. FRANKS, JR., [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODES, SECTION 601(A):

To be general

LT. GEN. WILLIAM W. HARTZOG, [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. DAVID A. BRAMLETT, [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. DAVID M. MADDOX, [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. RICHARD F. TIMMONS, [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. WILLIAM W. CROUCH, [redacted] U.S. ARMY

THE FOLLOWING U.S. ARMY RESERVE OFFICERS FOR PROMOTION TO THE GRADES INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF SECTION 593(A) AND SECTION 3384, TITLE 10, UNITED STATES CODE.

To be major general

BRIG. GEN. MAX GUGGENHEIMER, [redacted]
BRIG. GEN. GEORGE J. STEINER, [redacted]
BRIG. GEN. THOMAS B MURCHIE, [redacted]
BRIG. GEN. BILLY F. JESTER, [redacted]

To be brigadier general

COL. JAMES G. BROWDER, [redacted]
COL. DANIEL C. BALOUGH, [redacted]
COL. ROGER P. HAND, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. THOMAS M. MONTGOMERY, [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE JUDGE ADVOCATE GENERAL'Ş CORPS, U.S. ARMY, AND IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C) AND 3037:

To be permanent brigadier general

COL. JOHN D. ALTENBURG, JR., [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE CHAPLAIN BRANCH, U.S. ARMY, AND IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. GAYLORD T. GUNHUS, [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE DENTAL CORPS, U.S. ARMY, AND IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. PATRICK D. SCULLEY, [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 611(A) AND 624:

To be permanent brigadier general

COL. JOHN W. MOUNTCASTLE, [redacted]
COL. JOHN C. REPPERT, [redacted]
COL. JOHN S. CALDWELL, JR., [redacted]
COL. ALBERT J. MADORA, [redacted]
COL. JERRY L. SINN, [redacted]
COL. JOSEPH R. INGE, [redacted]
COL. JULIAN A. SULLIVAN, JR., [redacted]
COL. SAMUEL S. THOMPSON, III, [redacted]
COL. ROBERT L. NABORS, [redacted]
COL. SAMUEL L. KINDRED, [redacted]
COL. WARREN C. EDWARDS, [redacted]
COL. BURWELL B. BELL, III, [redacted]
COL. JAMES E. MITCHELL, [redacted]
COL. EVAN R. GADDIS, [redacted]
COL. REGIONAL G. CLEMMONS, [redacted]
COL. DANIEL A. DOHERTY, [redacted]
COL. DAN K. MCNEILL, [redacted]
COL. WILLIAM S. WALLACE, [redacted]
COL. THOMAS R. DICKINSON, [redacted]

COL. ROBERT L. FLOYD, II, [redacted]
COL. JOHN J. MARCELLO, [redacted]
COL. GILBERT S. HARPER, [redacted]
COL. PAUL T. MIKOLASHEK, [redacted]
COL. MARY E. MORGAN, [redacted]
COL. EDWARD SORIANO, [redacted]
COL. PHILLIP R. ANDERSON, [redacted]
COL. DONALD L. KERRICK, [redacted]
COL. GEOFFREY D. MILLER, [redacted]
COL. ROGER W. SCEARCE, [redacted]
COL. ROBERT A. GLACEL, [redacted]
COL. ROBERT J. ST. ONGE, JR., [redacted]
COL. CARL H. FREEMAN, [redacted]
COL. PHILIP R. KENSINGER, JR., [redacted]
COL. STEPHEN R. SMITH, [redacted]
COL. BRYAN D. BROWN, [redacted]
COL. BENJAMIN S. GRIFFIN, [redacted]
COL. BRUCE K. SCOTT, [redacted]
COL. WILLIAM E. WARD, [redacted]
COL. JAMES R. SNIDER, [redacted]

THE FOLLOWING-NAMED MEDICAL CORPS COMPETITIVE CATEGORY OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. WARREN A. TODD, JR., [redacted] U.S. ARMY
COL. STEPHEN N. XENAKIS, [redacted] U.S. ARMY
COL. HAROLD L. TIMBOE, [redacted] U.S. ARMY

NAVY

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LH) DAVID SPENCER BILL III, [redacted] U.S. NAVY
REAR ADM. (LH) MICHAEL WILLIAM BORDY, [redacted] U.S. NAVY
REAR ADM. (LH) FRANK LEE BOWMAN, [redacted] U.S. NAVY
REAR ADM. (LH) HERBERT ARCHIBALD BROWNE, JR. II, [redacted] U.S. NAVY
REAR ADM. (LH) ARTHUR KARL CEBROWSKI, [redacted] U.S. NAVY
REAR ADM. (LH) VERNON EUGENE CLARK, [redacted] U.S. NAVY
REAR ADM. (LH) WINFORD GERALD ELLIS, [redacted] U.S. NAVY
REAR ADM. (LH) ANDREW ALOYSIUS GRANUZZO, [redacted] U.S. NAVY
REAR ADM. (LH) ALEXANDER JOSEPH KREKICH, [redacted] U.S. NAVY
REAR ADM. (LH) JOHN MICHAEL LUECKE, [redacted] U.S. NAVY
REAR ADM. (LH) JOHN JAMES MAZACH, [redacted] U.S. NAVY
REAR ADM. (LH) JOHN ROY RYAN, [redacted] U.S. NAVY
REAR ADM. (LH) JOHN FRANCIS SHIFWAY, [redacted] U.S. NAVY
REAR ADM. (LH) JOHN FLEET SIGLER, [redacted] U.S. NAVY
REAR ADM. (LH) BERNARD JOHN SMITH, [redacted] U.S. NAVY
REAR ADM. (LH) GEORGE FRANCIS ADOLF WAGNER, [redacted] U.S. NAVY
REAR ADM. (LH) WILLIAM HARRY WRIGHT IV, [redacted] U.S. NAVY

ENGINEERING DUTY OFFICER

To be rear admiral

REAR ADM. (LH) MICHAEL THOMAS COYLE, [redacted] U.S. NAVY

SPECIAL DUTY OFFICER (PUBLIC AFFAIRS)

To be rear admiral

REAR ADM. (LH) KENDELL MILFORD PEASE, JR., [redacted] U.S. NAVY

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE LINE, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LH) JAMES PAUL SCHEAR, [redacted] U.S. NAVAL RESERVE
REAR ADM. (LH) JOHN EARL TILL, [redacted] U.S. NAVAL RESERVE
REAR ADM. (LH) GEORGE DENNIS VAUGHAN, [redacted] U.S. NAVAL RESERVE

UNRESTRICTED LINE OFFICER (TRAINING AND ADMINISTRATION OF RESERVE)

To be rear admiral

REAR ADM. (LH) FRANCIS WILLIAM HARNESS, [redacted] U.S. NAVAL RESERVE

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral

REAR ADM. (LH) BRUCE ALLEN BLACK, [redacted] U.S. NAVAL RESERVE

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. ARTHUR K. CEBROWSKI, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED CAPTAIN OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

CIVIL ENGINEER CORPS OFFICER

To be rear admiral (lower half)

CAPT. NOAH HALBROOK LONG, JR., [redacted] U.S. NAVAL RESERVE

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 admiral

ADM. PAUL D. MILLER, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. WALTER J. DAVIS, JR., U.S. NAVY, [redacted]

THE FOLLOWING-NAMED REAR ADMIRAL (LOWER HALF) IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LH) WILLIAM E. NEWMAN, [redacted] U.S. NAVY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2, OF THE CONSTITUTION:

To be rear admiral

CAPT. JOHN F. EISOLD, MC, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) HAROLD W GEHMAN, JR., U.S. NAVY, [redacted]

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING JACK S ARNOLD, AND ENDING DONALD L NOAH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 11, 1994

AIR FORCE NOMINATIONS BEGINNING MARILYN J. LYTHGOE, [redacted] AND ENDING RODGER F. SEIDEL, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 12, 1994

AIR FORCE NOMINATIONS BEGINNING MAJ. ROY L. ALSOP, [redacted] AND ENDING MAJ. MARY W. WEXLER, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 20, 1994

AIR FORCE NOMINATIONS BEGINNING INES M AGOSTO, AND ENDING KATHERINE A ZUKOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 9, 1994

AIR FORCE NOMINATIONS BEGINNING ANGELITA R GABATIN, AND ENDING CHARLES R. MYERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 25, 1994

AIR FORCE NOMINATIONS BEGINNING JAMES S DALRYMPLE, AND ENDING DANNY J WATSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 12, 1994

IN THE ARMY

ARMY NOMINATION OF WILLIAM C. KIRK, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 4, 1993

ARMY NOMINATION OF CHARLES A. JARNOT, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 12, 1994

ARMY NOMINATIONS BEGINNING RICHARD C * ADAMS, AND ENDING ROBERT P * ZURCHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 20, 1994

ARMY NOMINATIONS BEGINNING ERIC R ABRAHAM, AND ENDING * MARIA D ZAMARRIPA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 26, 1994

ARMY NOMINATIONS BEGINNING HAROLD L ABNER, AND ENDING * MARIAN E YOWLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 26, 1994

ARMY NOMINATIONS BEGINNING ROBERT G. KOWALSKI, AND ENDING JOHN D. SHARKEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 5, 1994

ARMY NOMINATIONS BEGINNING ALFRED S. GERVIN, AND ENDING JONATHAN NEWMARK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 5, 1994

ARMY NOMINATIONS BEGINNING * CURTIS G ABATE, AND ENDING * ANTHONY ZYDLEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 10, 1994

ARMY NOMINATIONS BEGINNING THOMAS J. ANDERSON, AND ENDING MARK D. MARKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 16, 1994

ARMY NOMINATIONS BEGINNING MICHAEL FOSS, AND ENDING JOSE USON, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 16, 1994

ARMY NOMINATIONS BEGINNING MICHAEL AUSTIN, AND ENDING THOMAS M. BYERLY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 25, 1994

ARMY NOMINATIONS BEGINNING * IRENE F. LOGAN, AND ENDING STEPHEN M. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 25, 1994

ARMY NOMINATIONS BEGINNING BRIAN J. DONOHOE, AND ENDING WILLIAM N. GREENE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 25, 1994

ARMY NOMINATIONS BEGINNING * WILLIAM D. GEESLIN, AND ENDING EARNESTINE BEATTY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 25, 1994

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF TRUMAN W. CRAWFORD, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 5, 1994

MARINE CORPS NOMINATIONS BEGINNING HEIDI A. ALOISE, AND ENDING DAVID E. HART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 12, 1994

IN THE NAVY

NAVY NOMINATIONS BEGINNING WILLIAM E. ADKINS, AND ENDING JAMES M. SMITH WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 12, 1994

NAVY NOMINATIONS BEGINNING NATHANIEL E. ADAMSON II, AND ENDING JOSEPH A. SCHWEIGART, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 12, 1994

NAVY NOMINATIONS BEGINNING CHRISTOPHER JA ALTENHOFEN, AND ENDING BYRON CRAIG WILLIAMS WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 12, 1994

NAVY NOMINATION OF NUSHIN F. TODD, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 14, 1994 +

EXTENSIONS OF REMARKS

CURRENT LEGISLATIVE TRENDS OUT OF TOUCH WITH PEOPLE OF WESTERN NORTH CAROLINA

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. TAYLOR of North Carolina. Mr. Speaker, results of the biannual issues questionnaire sent to households in western North Carolina's 11th Congressional District underscore the traditional attitudes of WNC residents, and demonstrate how out of touch Washington is with WNC citizens and their needs.

The 15,000 completed surveys offer a good portrait of western North Carolina's attitudes toward many issues currently being debated in Congress. As the elected representative of WNC, these surveys are invaluable, especially as the fall session of Congress convenes.

HIGHLIGHTS OF SURVEY

Although the proposal has been languishing for years in Washington, 65.8 percent support a line-item Presidential veto as a means to trim the fat in Washington.

The region's strong work ethic and attitude of self-reliance is demonstrated in the finding that 84.2 percent support at 2-year limit on welfare benefits.

Traditional values are highly esteemed in western North Carolina. Abortion coverage in any national health care system is opposed by 69.9 percent of survey respondents.

WNC citizens do not believe crime will be reduced by taking guns from law-abiding citizens—69.8 percent say that gun control will not reduce crime.

Reducing the tax burden for families and the middle class receives high marks, 61.5 percent favor a tax cut for the middle class.

Western North Carolina is deeply divided over the proposed 75-cent-per-pack tax to fund health care reform. Support for and opposition to a cigarette tax was split nearly 50/50.

In region that has often suffered severe economic downturns, 65.4 percent favor a reduction in the capital gains tax, thus offering incentives for business investment and jobs creation.

Individualism and the desire for personal choice are demonstrated in the overwhelming opposition to Government-controlled health care, 91.0 percent oppose a national health plan that restricts their choice of physicians.

Social Security is a vital program that should not be used by the Federal Government to solve budgetary problems elsewhere, 87.7 percent oppose additional Social Security taxes and COLA cuts.

These survey results, coupled with direct citizen input I received at townhall meetings in 16 counties, send clear messages.

Being a Member of Congress is about representation, which isn't possible without listening. The people of western North Carolina have spoken regarding these issues and it is my responsibility to bring their opinions to Washington.

MAY DUGAN CENTER HAS ITS 25TH ANNIVERSARY

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. HOKE. Mr. Speaker, I rise to congratulate the May Dugan Center on its 25th anniversary and join the community in recognizing the center's dedication and commitment to helping people move forward with their lives through an effective and creative social assistance program.

The May Dugan Center is a not-for-profit social services agency specializing in basic needs such as family, homes, education, jobs, and community participation. The staff and volunteers at May Dugan work to provide stability to over 10,000 individuals annually who face poverty, unemployment, and other similar problematic situations.

The May Dugan Center's successful social programs, which are designed to encourage a sense of self-worth and independence, have repeatedly resulted in improved lifestyles. In 1993, the Trustees' Core Services assisted a total of 2,668 families and placed 221 families in low-cost housing. The staff and volunteers also helped 747 people find employment through an established jobs bank including 293 employer participants. The center was responsible for finding jobs for 97 people within the public and private sector.

In honor of its 25th year of service, the May Dugan Center is sponsoring an anniversary campaign, a community open house, and a benefit to allow area supporters, benefactors, and trustees to contribute to its worthy cause. As part of the celebration, the members of the center aim to strengthen and improve a system that has been successfully maintained by the neighborhood board of trustees.

Please join me in congratulating the staff, volunteers, and trustees at the May Dugan Center for their continuing efforts to assist our inner-city and near West Side families and individuals. The May Dugan Center represents a fine example of people helping people in the 10th Congressional District.

CONGRATULATIONS ALBERTA E. DANIELS ON YOUR RETIREMENT

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues the retirement of Alberta E. Daniels of East Orange, NJ.

Ms. Daniels will soon retire as a senior correctional officer with the State of New Jersey's Department of Corrections. She also has been an Essex County Sheriff's officer. Prior to her employment with the Essex County Sheriff, she was an electronics operator with Radio Corporation of America [RCA].

Ms. Daniels has been long active in civic and political affairs. She is the former chairperson of the East Orange Democratic County Committee, where she has the distinction of being the only woman to serve in that position. She has been affiliated with the PBA Local 105, the Child Placement Review Board, and the East Orange Board of Fire Commissioners.

Ms. Daniel's life has been filled with firsts. As previously mentioned, she was the first woman to serve as chair of the East Orange Democratic County Committee. She was one of the first women to ever serve on the East Orange Board of Fire Commissioners. She was also one of the first officers to work in a coed halfway house in New Jersey. Ms. Daniels is an example of a first-rate citizen and community activist.

Mr. Speaker, I am sure my colleagues will want to join me as I congratulate her on her retirement and offer my best wishes for the future.

WE SHOULD EXAMINE OUR DEFENSE POLICIES

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. KYL. Mr. Speaker, we often debate the defense budget and foreign policy as abstract topics which do not relate to the lives of the people in our districts. However, the relevance of these topics to at least one family in Arizona was reported Monday night in Phoenix by Alisa Becerra of the channel 10 news. In that report, the mother of Pvt. Christopher Donahue recounted the emotional rollercoaster ridden by her family while her son was deployed to Somalia in May 1993, and then returned to the United States in March, and has now left for the mission in Haiti.

In response to this repeated call to arms for her son and thousands of other young Americans, Mrs. Donahue asked, "Is there no other army to pull from in this whole world? They have to have the same boys that were just in Somalia?"

Unfortunately, when we repeatedly fail to adequately fund our national security requirements, while at the same time expanding our commitments abroad, we are not just threatening our defense capabilities, we are placing an

excessive and unnecessary burden on the courageous men and women who volunteer to serve us in the U.S. military. In fact, we're so short on manpower that Secretary Perry had to place on alert 1,600 reservists.

Before we send thousands of our finest young troops on yet another ill-defined mission, we should give the needs of our personnel more complete consideration.

DELAURO HONORS ROBERT J. LEENEY

HON. ROSA L. DELAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Ms. DELAURO. Mr. Speaker, on Thursday, September 22, 1994, the New Haven Colony Historical Society will present its annual Seal of the City Award. This award is given to those whose activities or ideas have significantly added to the quality of life, the prosperity or the general improvement of the south central Connecticut region. The Seal of the City Award was inspired by the lost publique seale which was presented to the general court of the colony of New Haven by Governor Theophilus Eaton in 1656. That seal was replaced by the one designed in 1784 by some of New Haven's forefathers, Ezra Stiles, James Hillhouse, and Josiah Meigs. I am honored to pay tribute to this year's recipient, Robert J. Leeney.

From the time he began working for the New Haven Register 30 years ago, first as a theatre critic, then as an editor, and now editor emeritus, Bob has touched many lives and captured the spirit of our community with his writing. His columns for the Register were marked by an intimate understanding of New Haven's unique personality and local history. As editor emeritus, he currently writes a weekly column that touches on many different subjects, from the New Haven he knew as a boy to local politics and world events.

In addition to his gifts as a writer, Bob's tremendous leadership talents have had a lasting and positive impact on our community. Bob has played a leadership role on the board of directors of many local institutions, including the Hospital of St. Raphael and Albertus Magnus College. He is a past director of the Arts Council of Greater New Haven, former president of the Kiwanis Club, and a past director and vice-president of the Greater New Haven Chamber of Commerce. At every opportunity, in his professional and personal life, Bob has made a real difference for the people of New Haven.

Bob Leeney is an outstanding individual who is caring and compassionate, and through his involvement in the community, he is making life better for us all. I commend the New Haven Colony Historical Society for recognizing his extraordinary contributions, and I congratulate him for receiving this well-deserved award.

TRIBUTE TO BENJAMIN ESTOCK

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Benjamin Estock of Troop 7 in Scituate, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Ben organized a work crew and cleared an established trail near Cucumber Hill Road.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Benjamin Estock. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Benjamin Estock will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

WEATHERMAN WEBSTER WEATHERS 30 YEARS WITH WEWS

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. HOKE. Mr. Speaker, I rise today to recognize Mr. Don Webster, a good friend and valued constituent, but more notably a charismatic and successful weatherman known throughout northeast Ohio by area television viewers, fellow broadcasters, and media producers.

Don Webster began his career as a writer and a reporter at CKPC radio in Ontario, Canada, and also spread his unique talents across Hamilton with CKOC and Montreal with CKGM. His first on-air appearance was at CHCH television in Hamilton/Toronto.

In 1964, Don became a naturalized American citizen and joined WEWS TV5 in Cleveland, OH. A versatile television personality, Don starred as the host of several local programs including the nationally syndicated rock-and-roll show "Upbeat."

Mr. Webster's wide range of outside interests have found him engaging in everything from flying airplanes to sailing the Great Lakes. His favorite pastimes led him to pursue extensive training in meteorology, which ultimately helped him land an on-air position as weathercaster for WEWS channel 5 from 1971 to 1982.

While Don was forecasting the Cleveland area weather, he was busy hosting "The Ohio Lottery Show" and "Academic Challenge" as well. In addition, he found the time to create and cohost "Live on Five," an early evening news program which aired for the first time in 1973.

In 1984, the well-known weatherman switched gears and became the executive assistant to the general manager for WEWS, and later assumed the position of station manager. After mastering all aspects of media production and broadcast management, Don was wooed back to the small screen in April 1989 as the weatherman emeritus.

Aside from his television stardom and tornado watching, the enthusiastic and caring weatherman has volunteered countless hours to charitable organizations throughout greater Cleveland. He is a member of the Lutheran Medical Center Foundation Board and has been consistently active with the Red Cross, the American Cancer Society, the Special Olympics, and the Juvenile Diabetes Foundation, to name only a few.

I am proud to join the city of Cleveland in honoring one of northeastern Ohio's favorite television personalities as he celebrates his 30th anniversary at WEWS channel 5.

JEANETTE SHELL—A LOCAL INSTITUTION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues a celebration that will be held on Sunday, September 25 in Union Township, NJ. Three generations of township residents and visitors to the public library will pay tribute to Jeanette Shell who retired in July, 1994 with 45 years of service to the public library system.

Mrs. Shell began her employment with the Township of Union Free Public Library on January 3, 1949 as a junior library assistant. Over the years she was promoted to senior library assistant, supervising library assistant, and supervisor at the Vauxhall Branch. She also handled scheduling at the main library and assisted in the reference department.

The role of the librarian can be critical to the utilization of the facility. Mrs. Shell was a devoted and conscientious employee who always served the public in a courteous and friendly manner. Her services truly will be missed.

Mr. Speaker, I am sure my colleagues will want to join me and the three generations of New Jerseyans that will gather on Sunday to express thanks and appreciation for the services Mrs. Shell rendered.

ARTS AND HUMANITIES

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. WILLIAMS. Mr. Speaker, on Monday of this week President Clinton once again indicated his strong interest and support for the arts and humanities by appointing a number of prominent Americans to the President's Committee on the Arts and Humanities. I want to commend the President for this, and to thank him for his continued efforts to advance and maintain our Nation's cultural traditions.

President Clinton's actions yesterday will hopefully revitalize the 12-year-old citizens arts and humanities support group. I especially want to applaud the appointment of John Brademas to chair the committee. Throughout his distinguished career, John Brademas has been a champion for the arts and humanities. I am confident he will provide the knowledge and vision that the committee will need if it is to successfully perform the important job before it.

The committee has not been particularly active in the recent past, however its charge to promote the arts and humanities and increase private support for them is truly needed now, perhaps more so than ever before. No one sector can provide all of the support that the arts and humanities need to flourish. We must have partnerships, not only between different levels of government, but also with the private sector. The new President's Committee can be of assistance in fostering these partnerships.

As chair of the committee having jurisdiction over the Arts and Humanities endowments, I hope the President's Committee will see itself as a resource, not only to the endowments but also to our committee as we begin the process of reauthorizing the NEA, the NEH, and the IMS. This may well be the most important reauthorization these agencies have ever undergone. There are many issues that have to be explored and many questions to be asked and answered regarding the direction of Federal support for the arts and humanities. Although the President's Committee has no official legislative authority or responsibility with respect to these agencies, I'll be looking to the committee for appropriate guidance and counsel as my committee reviews the NEA, the NEH and IMS. The new members to the President's Committee have years of wisdom, experience, and knowledge in the arts and humanities, and I'll be calling on them to share their thoughts and comments with me and my committee.

NATIONAL FAMILY LITERACY DAY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. GOODLING. Mr. Speaker, today Congressman TOM SAWYER and I are introducing a joint resolution declaring November 1, 1994 as National Family Literacy Day.

As we look to reforming our Nation's schools, one fact has become evident—there is a strong relationship between the literacy skills of a parent and the educational achievement of their children.

Unfortunately, millions of Americans are trapped in a cycle of poverty, dependency, and undereducation—and it impacts heavily on the ability of their children to do well in school. Family literacy programs open a door for such families, allowing them to work together to create a better future.

Family literacy programs not only provide parents with the literacy skills they need to obtain employment and help their children with their homework, they provide children with the skills they need to start school ready to learn—and to keep learning.

Several years ago I introduced, and Congress enacted, the Even Start Program, a family literacy program which provides parents with education and job skills and their children with a quality preschool program. In addition, it provides parents with the skills they need to truly be their child's first and most important teacher. This program has been very successful.

Family literacy programs such as Even Start can also increase parental involvement in education. They encourage parents to read to their children and to become active participants in their child's education. Secretary of Education, Richard Riley, in outlining his new parental involvement effort, cited an Even Start family literacy program as a good example of an effective parental involvement program.

I encourage you to join Congressman SAWYER and I in paying tribute to family literacy programs by declaring November 1, 1994 as National Family Literacy Day. These programs play an important role in school reform, welfare reform, and can even play a role in a reduction in crime. They deserve our support.

TRIBUTE TO ROBERTA JANE MATHENEY LEBLANC

HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. PETE GEREN of Texas. Mr. Speaker, today I rise to pay tribute to Mrs. Roberta Jane Matheney LeBlanc, a remarkable individual and a citizen of the 12th Congressional District of Texas.

Mrs. LeBlanc is being honored as the 1994 Private Sector Blind Employee of the Year. This prestigious award is issued by the National Industries for the Blind, a not for profit organization dedicated to the employment and personal empowerment of individuals who are visually impaired. Mrs. LeBlanc personifies all that this award represents to people who are blind and who aspire to earn an independent living for themselves and their families through meaningful employment.

Following her graduation from the Alabama Institute for the Deaf and Blind where she was valedictorian of her class, Mrs. LeBlanc was hired by the Lighthouse for the Blind in Fort Worth, TX. There she successfully mastered a variety of assembly and packaging skills, and testing soon demonstrated that she was ready for the private sector.

Today, Mrs. LeBlanc works for Tandy Electronics Wire and Cable, a division of the Tandy Corp. of Fort Worth. Mrs. LeBlanc works alongside 240 other employees packaging products such as shrink tubing and telephone cords. She also assembles connectors to cable assemblies for CB radio systems. Mrs. LeBlanc communicates with her fellow employees through the use of a Tele-Brailler, a device that translates typed words into braille.

On October 3, 1994, Mrs. LeBlanc will be officially honored at the annual conference of the National Industries for the Blind. Please join me in applauding this courageous woman for her perseverance in meeting so many difficult challenges, living her life to the fullest and setting an example for others.

THE ALLIANCE OF POLES OF AMERICA HOSTS ITS 38TH QUADRENNIAL CONVENTION

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. HOKE. Mr. Speaker, I rise today to recognize the members of the Alliance of Poles of America and commemorate the 38th Annual Quadrennial Convention held on September 3–5, 1994 at the Alliance of Poles of America Auditorium in Cleveland, OH.

The Alliance of Poles represents a strong union of Poles, Americans of Polish descent, brethren of Slavic heritage, and individuals whose ancestry is traceable prior to the partition of Poland. Established in 1895, the organization seeks to uphold Polish ethnicity among its members as well as assist those who are unfamiliar with American laws, culture, and traditions.

The members of the Alliance of Poles receive financial support through the organization's Federal credit union. The alliance maintains a scholarship program, offers Polish and English language classes, sponsors educational seminars and promotes recreational and social activities for its members.

In addition to contributing to the well-being of its members, the Alliance of Poles actively supports several charitable organizations, including veterans groups, blind children in Poland, churches, and civic groups throughout Greater Cleveland.

I am proud to commend the Alliance of Poles of America's 38th Quadrennial Convention in honor of its continued success in offering fraternal benefits to its ethnically cohesive

membership and maintaining the great Polish traditions.

JOHN CURRIE, A CONSUMMATE LEADER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues a testimonial banquet that will be held in New Jersey tomorrow where John Currie will be honored amongst others.

John Currie, who was born in North Carolina, has been a distinguished resident of Passaic County for many years. He is a proud graduate of the Paterson public school system. After graduating from Central High School, John attended Rutgers University where he pursued studies in business administration.

John Currie is the only African-American county chairman of the New Jersey State Democratic Party. He is serving his fifth year as chairman of the Passaic County Democratic Party.

He has been employed for 26 years at Hawthorne Chevrolet, where he is the Corvette manager. He also serves as director of the Rahway Motor Vehicle Agency in Rahway, NJ.

John's commitment to his hometown of Paterson has been exemplified by his work for the silk city. He has served as commissioner on the Paterson Board of Recreation and as an executive board member of the Savio Association of St. Gerard's Church. He has also served as president of Eastside/Central/Kennedy High Schools Alumni Association, commissioner of the Boy Scouts of America, and is a past member of the Paterson Jaycees. He is an active member of the NAACP.

John's efforts have not been limited to Paterson. He is an active member, contributor, advisor, and supporter of numerous civic organizations and committees. As founder of the Hawthorne Corvette Association, John was instrumental in raising over $50,000 for leukemia patients and the needy in Passaic County. He has received numerous awards and citations for his community involvement. John also serves as a member of the board of directors of the United Way of Passaic Valley.

Mr. Speaker, I know my colleagues will want to join me as I congratulate John on his accomplishments and extend best wishes to him, his wife, Iris LeDuc-Currie, and their three children, Devaughn, Deric, and Samuel. I would also like to congratulate John's fellow honorees, Carnie Bragg, Elain Harrington, and Venice Harvey.

INTRODUCTION OF THE INSURANCE SALES AND UNDERWRITING CONSUMER PROTECTION ACT OF 1994

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. DINGELL. Mr. Speaker, today I am introducing the "Insurance Sales and Underwriting Consumer Protection Act of 1994." Joining me in introducing this bill is Chairwoman CARDISS COLLINS, who chairs the Energy and Commerce Subcommittee on Commerce, Consumer Protection, and Competitiveness.

This legislation requires that anyone who provides insurance, whether or not they are an insurance agent or company, will have to comply with the same State consumer protections imposed on those in the business of insurance.

It may seem unnecessary to have a Federal law saying that those in the insurance business must comply with State insurance laws, but I assure my colleagues that it is very necessary. Hearings in the Energy and Commerce Committee, in both its Oversight and Investigations Subcommittee and its Commerce, Consumer Protection, and Competitiveness Subcommittee, as well as recent actions of the Comptroller of the Currency, demonstrate that this legislation is sorely needed.

First, during Energy and Commerce oversight hearings on the problems faced by financial services providers as a result of savings and loan failures, we discovered that a number of failed savings and loans had sold insurance products to their customers, and that they had done so without disclosing to these customers that the insurance products were not insured by the Federal Government. When the savings and loans failed—and the insurance company that had underwritten many of these policies also failed—customers were stunned to discover that the FDIC did not cover their insurance. As a result, they suffered both emotional and financial losses.

A second example became evident in the aftermath of the Los Angeles riots following the Rodney King trial. Many of the small business people devastated by the riots claims with their insurance companies, only to find out that these companies had violated California law by selling insurance in California without authorization. Many of these companies would not or could not pay these valid claims. Many of these businesses were forced to close and others suffered extreme financial difficulties because the "insurance" they purchased was no insurance at all.

Finally, there is the so-called retirement CD. This is a product offered by the Blackfeet National Bank which is designed to obtain FDIC insurance protection for an annuity, that is, insurance, product. The promoters of this product have described it as free from taxes on inside buildup, as is true of life insurance; as insured by the FDIC; and as free from all State insurance regulation, whether these regulations apply to underwriting financial requirements to protect the safety and soundness of the bank or to consumers protection requirements. The Comptroller of the Currency has approved this product for bank sales subject to certain conditions, and appears to agree with the idea that Federal banking laws preempt State insurance laws, and that banks may provide insurance. Not only is it absolutely clear that Congress has never preempted States insurance laws as to banks providing insurance, it is also a clear misreading of the laws Congress has passed. The National Bank Act has been interpreted to prohibit national banks from engaging in the business of insurance. In addition, the Glass-Steagall Act prohibits banks from engaging in commerce.

It is well known that the Energy and Commerce Committee has had many hearings on the inadequacy of the current State insurance regulatory system, and that I believe that there should be Federal regulation of this interstate and international industry. At the same time, Federal regulation has not yet been established. The State insurance regulatory system is all that currently exists to protect insurance consumers and to ensure the financial stability and safe operations of insurance providers. I believe that it is imperative, for the protection of consumers, and to ensure the financial soundness of the insurance products, that at the very least the existing State insurance standards and protections are met by anyone selling or underwiring insurance, whether they are a bank, foreign company, or insurance company.

The bill I am introducing today does not impose any new substantive requirements on anyone who provides insurance. It simply says that if you provide insurance in interstate commerce, regardless of who you are, you must comply with the insurance sales, licensing, and financial requirements of the State in which you are providing the insurance. If you violate these requirements, and the State does not or for some reason cannot enforce these requirements, the Department of Justice is authorized to bring a civil action to stop you from continuing to provide insurance and to fine you for violating those States requirements. The bill contemplates that the State insurance regulators will remain the primary, frontline regulators in their own States, with the Federal Government in a backup role. This avoids dual regulation.

There is an urgent need for this bill to be introduced today, even though it is very near the end of the legislative session. We need to give notice that we will act to protect consumers. This is particularly necessary as to the retirement CD which I have described. The promoters of this product and the Federal banking regulators appear to believe that their willful disregard of Federal statutes and congressional intent will allow the proliferation of the sales of this product—and will force Congress to allow the continued sale of this product even if Congress otherwise continues to prohibit banks from providing insurance simply because so many banks will be providing the product by the time we enact the legislation. This bill sends a very clear message to these promoters and to the banking regulators that anyone marketing this product does so at its own peril.

This is a simple bill and a simple concept, if you enter the insurance business, you must follow State insurance laws. These State laws

are the minimums needed to ensure that consumers are protected and that those underwriting insurance are adequately and safely financed and invested.

I urge my colleagues to support this legislation.

PROTECTION FOR INSURANCE CONSUMERS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mrs. COLLINS of Illinois. Mr. Speaker, I am pleased to join with the distinguished chairman of the Energy and Commerce Committee as an original cosponsor of this important consumer protection legislation, the Insurance Sales and Underwriting Consumer Protection Act of 1994.

This legislation stands for a very simple principle—anyone who sells or underwrites insurance in a State should comply with the insurance regulatory requirements of the State, specifically including the consumer protection requirements.

While this is a simple principle which should be obvious to all, it is necessary to restate it as Federal law for two reasons. First, some institutions that sell or underwrite insurance have claimed they are above the law when it comes to selling or underwriting insurance. These institutions claim that because they are not insurance companies, they don't have to comply with the same regulatory requirements that insurance companies or insurance agents have to comply with. This is unfair and leaves consumers without critical protections.

Second, recent revelations regarding the deceptive sale of life insurance products have indicated that some insurance companies also ignore these crucial State consumer protection requirements. While the legislation contemplates that States would continue to have the authority to enforce their own requirements, this Federal legislation would be a backstop if States fail to take action to protect consumers.

I am not necessarily satisfied that current State requirements are adequate to protect consumers, and this is an issue that Congress will continue to pursue. However, at a minimum, I think all should agree, those who sell or underwrite insurance should comply with the State requirements.

This bill is an attempt to put this simple principle into law and improve the protections for insurance consumers.

This legislation is supported by a broad coalition including insurance companies, insurance agents, and the Consumer Federation of America, and I urge my colleagues to support it.

IT'S TIME TO TAKE A SECOND LOOK AT PAKISTAN

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. McDERMOTT. Mr. Speaker, today I am introducing a sense-of-the-House resolution regarding several recent troubling developments in Pakistan. As our colleagues know, in 1992 Pakistan was placed on the State Department's "Watch List" of countries suspected of exporting terrorism. In 1993, however, the State Department dropped Pakistan from its "Watch List." Since the State Department took this action, there have been several startling revelations which suggest our State Department needs to reexamine its decision to drop Pakistan from its "Watch List."

First, the Washington Post recently reported that former Pakistan Prime Minister Nawaz Sharif stated publicly that his former Chief of Staff and the former head of the Inter Services Intelligence Agency [ISI] informed him while he was Prime Minister that they had several covert actions in other countries in dire need of funding and they wanted to pay for these activities from the profits of large-scale narcotics transactions.

Second, a suspect recently was arrested in the March 1993, terrorist bombings of the Bombay Stock Exchange and other sites in that city. Killed in one of the most terrible acts of violence ever were 317 innocent people. The suspect has implicated the ISI in the bombings, claiming the ISI provided his associates and him with money, weapons, and explosives, as well as directions on where to place the bombs. The suspect, an Indian citizen, possessed a number of incriminating items, including a Pakistan passport and identity card. The suspect's brother and family now reside in a lavish residence in Pakistan.

Third, Indian security forces in Kashmir in recent months have arrested numerous Pakistani, Afghani, and Libyan nationals in Kashmir. Those arrested have said they were trained, funded, and armed by ISI-backed elements in Pakistan.

Finally, and most disturbing, former Prime Minister Sharif recently told the world that Pakistan has for some time possessed nuclear weapons. This admission comes after more than 7 years of assurances to the contrary by Pakistan to the United States Government.

Mr. Speaker, these developments come at a time of heightened concern about terrorism, narcotics trafficking, and nuclear proliferation throughout the world. The Government of the United States has spent many billions of taxpayer dollars during the past decade fighting each of these menaces. In light of these four developments, it is vital for the Congress to go on record in favor of a review of the State Department's decision last year to drop Pakistan from the "Watch List" of nations suspected of supporting terrorism. It is also important for Congress to reaffirm the validity of the Pressler amendment, which Congress adopted in 1987. The Pressler amendment states that Pakistan will not receive foreign aid from the United States unless the President of the United States can certify that Pakistan does not have a nuclear device.

I urge my colleagues to join me in cosponsoring this important resolution. The questions raised by the recent developments on the Asian subcontinent simply are too important for our Government to ignore.

Whereas the United States Government has longstanding policies opposing the spread of terrorism and advocating the destruction caused by narcotics trafficking;

Whereas the United States Government has devoted tens of billions of United States taxpayer dollars during the past decade fighting terrorism and drugs both within our borders and throughout the world;

Whereas, in 1992, Pakistan was placed on the State Department's Watch List of nations suspected of supporting terrorism;

Whereas, in 1993, the State Department dropped Pakistan from its watch list;

Whereas former Pakistani Prime Minister Narwaz Sharif recently publicly admitted that his Chief of Staff, General Beg, and his head of the Inter Service Intelligence (ISI) Agency informed him while he was Prime Minister that the Pakistani Army and ISI planned to conduct covert acts of terrorism in other countries and fund these activities through large scale narcotics sales;

Whereas 317 Indian citizens were killed in March, 1993, in a series of bombings of the Bombay Stock Exchange and other sites in Bombay in one of the worst acts of terrorism in the twentieth century;

Whereas a leading suspect in the bombing, Yakub Memon, has publicly implicated the ISI in the bombings by accusing the ISI of providing arms, money, and explosives for the attack, and directing Mr. Memon, his brother and their associates on where to place the bombs and by providing Mr. Memon and his brother with transportation to and from Pakistan and a large and lavish house in Pakistan for his brother and his family;

Whereas Indian Security forces in Kashmir have arrested numerous foreign nationals in Kashmir who have confessed to having been trained, funded, supported, and armed by ISI-backed elements across the border in Pakistan;

Whereas former Pakistani Prime Minister Sharif has recently stated publicly that the Government of Pakistan, for several years, has possessed nuclear weapons in direct contradiction to repeated assurances to the United States Government that Pakistan does not possess and is not attempting to develop nuclear weapons;

Whereas in 1987 the United States Congress enacted and President Reagan signed into law the Pressler Amendment banning foreign aid to Pakistan until the President certifies that Pakistan does not possess a nuclear weapon; and

Whereas President Bush and President Clinton have been unable to certify that Pakistan does not possess a nuclear weapon: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the United States, condemns the involvement of Pakistan in acts of terrorism in other countries;

(2) the United States condemns any involvement by Pakistan in the illegal manufacture, sale, transportation, or distribution of any narcotic substance;

(3) the United States urges Pakistan to cooperate with law enforcement authorities in the United States to reduce and eliminate the growing heroin trade in Pakistan, which currently accounts for 20 percent of all the heroin sold in the United States;

(4) the United States urges the Administration to review the State Department decision in 1993 to drop Pakistan from the Watch

List of nations which are suspected of supporting terrorism; and

(5) the United States reaffirms the validity and wisdom of the Pressler Amendment prohibiting foreign assistance to Pakistan in light of Prime Minister Sharif's public admission that Pakistan has possessed nuclear weapons for several years despite repeated assurances to the contrary to the United States.

PRESERVING THE WEST

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. MILLER of California. Mr. Speaker, in this body, there is much that we can—and do—disagree on. But I think that one thing upon which we can all agree is that the West is settled.

This simple fact should be central to something which is long overdue—a review of the complex, interlocking web of subsidies which the Federal Government has long provided to industries and users of our natural resources.

Last month, the majority staff of the Oversight and Investigations Subcommittee of the Committee on Natural Resources finished a report looking at those subsidies.

Today, I'm inserting into the RECORD an editorial from the St. Louis Post-Dispatch from last August 30 which is about that report.

This editorial raises a number of questions about our natural resource policies. These questions should be debated and answered as we review these increasingly outdated policies.

PRESERVING THE WEST

No region of the United States quite captures the American spirit or mythos as the West. When Americans think of the heart and soul of the American identity, they think of the rugged individualism of the cowboy and the lure of the frontier. They think of the heroism, courage and just plain fortitude it took to "tame" the Wild West.

The country's attachment to the West continues today. Indeed, it is at the root of the burgeoning national debate over the proper stewardship of the West's natural resources, especially those located on public lands. Under the Clinton administration, Secretary of the Interior Bruce Babbitt has begun a painstaking process of re-examining public policy regarding mining, logging and grazing—and met thunderous opposition from Republican legislators.

Still, the premise underlying Mr. Babbitt's efforts is dead-on right: The laws governing the extraction of resources, many of which were written in the past century, have outlived their purpose. In the spirit of Manifest Destiny, they were meant to promote the settlement and development of the West, and they have succeeded gloriously.

In some sense, they have succeeded all too well and left a despoiled environment of overgrazed, clearcut, contaminated or eroded land. It is no longer necessary for the government—the taxpayer—to subsidize the West's exploitation. New principles and new policies must replace the old.

The framework of a new public policy can be found in a report, "Taking from the Taxpayer: Public Subsidies for Natural Resource Development," prepared for the House Committee on Natural Resources, chaired by Rep. George Miller of California.

Any revisions in law or policy must start from the recognition that public land belongs to the public. That may seem patently obvious, but much of current law and policy is oblivious to that fact. Policies regarding public land should benefit the public first and foremost. Currently, as Mr. Miller notes, that is far from the case; taxpayer handouts to private companies amount to "hundreds and millions, sometimes billions of dollars." At a time of fiscal crisis, such massive subsidies are irresponsible.

The first step in ending these government giveaways is to require profit-making companies to join the free market. Why should mining companies, particularly foreign-owned companies, be able to buy or "patent" public land for $2.50 or $5 an acre—and then owe the American taxpayer not a penny in royalties for minerals worth millions of dollars? Why should the government charge but a fraction of what private landowners charge for grazing fees, especially when the proceeds don't cover running the program?

Why should timber companies help decide the price they pay for the timber from public land? And, finally, why should the American taxpayer be responsible for paying for the environmental damage done by mining, grazing or logging?

Something like fair-market value should govern the pricing of fees, leases or royalties. At the very least, they should cover the government's cost in providing these resources. None of this means that all subsidies should be ended. Public policy goals may warrant the use of targeted subsidies.

What kind of goals? Republicans argue that charging market value would put small companies or ranches out of business. If preserving smaller enterprises is a worthy goal, and many would argue it is, means testing might be needed to ensure that those who need the subsidy get it. The public may also believe that companies or ranches deserve subsidies to encourage higher environmental standards.

The battle to win the West is over. Now, we must ensure that the battle to save the West is not lost.

CONGRATULATIONS GRADY HOLMES

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. BARCIA of Michigan. Mr. Speaker, I want to pay tribute to the outstanding achievements of Mr. Grady Holmes, manager of the Buena Vista Charter Township in Saginaw, MI. In the spirit of international good will, Grady was recently selected by the International City/County Management Association to participate in the 1994 International Management Exchange Program.

Jointly sponsored by the New Zealand Society of Local Government Managers and International City Managers Association, this program introduces participants from different countries, communities, and backgrounds to the effective treatment of shared problems, including housing, economic development, unemployment, and race relations.

While in New Zealand, Grady was the guest of Mr. Darryl Griffin, district manager and chief executive officer of the Bullar District Council. Like Grady, Mr. Griffin must ensure the council of quality and timely policy advice as well as a keen sense of leadership. The accomplishments of Mr. Griffin are, however, equally matched by the reputation of Grady Holmes.

Having worked with Grady for several years, it is easy to see why his selection comes as little surprise to any of us who know him. Grady is a consummate professional whose commitment to family, friends, and our community is second to none. It is with a great sense of pride that I recognize Grady as that entity chosen to represent our Saginaw community on the world's stage.

TRIBUTE TO THREE LEADERS OF THE INDIAN-AMERICAN COMMUNITY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. PALLONE. Mr. Speaker, I rise to pay tribute to three leaders of the Indian-American community who have been selected for the India Tribune Awards in a ceremony to be held in New York City on Saturday, September 24, 1994. India Tribune Night is attended by more than 600 prominent members of the Indian-American community from the tristate area of New York, New Jersey, and Connecticut.

The Mahatma Gandhi Award will be presented to Dr. Navin Mehta, a renowned ENT specialist and head and neck facial cosmetic surgery specialist. Dr. Mehta is a strong believer in the Gandhian philosophy.

The India Tribune Award for the Best Businessman of the Year will go to Mr. H.R. Shah, both for his highly successful business ventures and his support for community activities, religious events, and the annual India Day Parade.

The Woman of the Year Award will be given to Mrs. Sneh Mehtani, a successful entrepreneur and social activist, who is popularly known as the tigress of the hotel industry.

Mr. Speaker, it is a great honor for me to pay tribute to these three leaders in the Indian-American community. This growing, vibrant community is truly making its mark on the American economy, culture and society. It was in recognition of the contribution of this increasingly important community that I formed the Congressional Caucus on India and Indian-Americans. At the outset, in February 1993, we had eight founding members. Today, the Caucus has 41 members, from both parties and all regions of the Nation. Clearly, many of our colleagues recognize the importance of the Indian-American constituency and the importance of improving Indo-U.S. relations. The India Tribune, this year's three honorees and many of the other leaders of the Indian-American community, especially Mr. Satish Mehtani and Mr. Prakash Shah, deserve tremendous praise for its success in the time-honored American tradition of involvement in the economic and political life of our country.

TRIBUTE TO FINIS E. HENDERSON, JR.

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. RUSH. Mr. Speaker, I rise today to honor the life and legacy of Finis E. Henderson, Jr. who passed from this life on Easter Sunday, April 3, 1994.

A Chicago native, Mr. Henderson was born September 21, 1919 to the union of Mary Lessie Clarke and Finis E. Henderson, Sr. A graduate of DuSable High School, he later attended Wilson Junior College. Mr. Henderson entered the U.S. Marine Corps in 1942, where he served his country admirably, rising to the rank of gunnery sergeant.

As a young man, Finis loved the entertainment industry. He worked as a professional promoter, manager, and dancer. Among his many clients were such entertainment giants as Sammy Davis, Jr., Redd Roxx, George Kirby, Brook Benton, Godfrey Cambridge, Jerry "Iceman" Butler, and the Dells. Mr. Henderson also served as the director of entertainment at the internationally renown Mill Run Theatre.

Active in his community, Mr. Henderson was a member of the Sixth Grace Presbyterian Church and president of the Montfort Point Marine Corps Alumni Group. He also was employed with the Cook County Sheriff Department.

Finis was a devoted family man, he was married for nearly 44 years to the former Thelma S. Noble. To this union were born a daughter, Henreene B. Hyler, and son, Finis E. Henderson III.

Mr. Speaker, Finis E. Henderson, Jr. was a very dear friend and neighbor. I was touched by his intelligence, humor, and sensitivity to those he knew. He touched the lives of so many men and women who aspired to entertain. I am privileged that in my life our paths crossed. I am proud to have known Finis Henderson, Jr. and honored to enter these words into the RECORD.

SUPPORT OF WOMEN'S HEALTH CENTERS

HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, I rise today to introduce the Women's Health Regional Centers Act. The intent of this legislation is to address one of the greatest challenges in medicine today: the neglected area of women's health. For centuries, as midwives, mothers, nurses, and doctors, women have been the primary caregivers in their communities. Yet despite the crucial role of women as health care providers, their own health has not received the attention it deserves. Traditionally, medicine and health research has not focused on the fact that women react differently from men to many diseases and treatments. Until recently, women were excluded from most clinical trials of treatments for cancer, heart disease, and stroke, which are the leading causes of death in both women and men.

This legislation will assist in the delivery of state-of-the-art medical care to the women of the United States by ensuring that doctors are trained during medical school to diagnose and treat diseases prevalent among women and other medical conditions as they affect women. A major barrier to change in women's health care delivery systems has been the absence of an appropriate curriculum on women's health in teaching the physicians, nurses, and other health professionals of today and tomorrow. New models of providing clinical care are needed to give women comprehensive, accessible health care that takes into consideration their socioeconomic as well as medical needs. New information from medical research must be rapidly translated into educational programs and improved health care. New programs for identifying and fostering women leaders in the health profession need to be developed.

This legislation will address these critically important areas of women's health with an emphasis on providing leadership training for women in medical school. Currently, fewer than 2 percent of the deans of American medical schools are women. I believe that if women had been better represented in leadership positions in medicine, many of the traditional problems of inadequate research and insufficient clinical care for women would never have developed.

Our goal through our legislation is to ensure that future generations of American physicians receive their medical training from institutions led by a greater number of women deans and department chairs. This single provision will ensure that women's health concerns are addressed in the future.

As I reflect on the status of quality health care to women in the 1990's, I can point with pride to the Medical College of Pennsylvania [MCP] in my own district, which is the first and the longest surviving medical school devoted to the education of female physicians. Founded in 1850 as the "Female Medical College of Pennsylvania," MCP remains deeply committed to its roots as a pioneer in educating women in the medical profession and fostering critically needed education in those areas effecting women's health. MCP is the first medical school in the country to have undertaken women's health education at the undergraduate, graduate, and faculty levels.

The establishment of regional women's health centers is a significant step forward in correcting the imbalance that is inherent in every aspect of medical care today. I am pleased that this legislation will develop model demonstration programs which will focus on the coordination of research and the provision of education and training, and services in women's health.

Under my proposal, the Office of Research on Women's Health at the National Institutes of Health [NIH] will designate five institutions across the country as regional centers on women's health. By locating these centers in every major region of the United States, NIH will ensure that young doctors from all over the country will learn about the special health needs of women and girls. In addition, these regional centers will share their information with both these centers and the NIH clearinghouse. My goal is to disseminate research and medical training as widely as possible so that women all over America can benefit from advances in medical care.

It is fitting today, as we continue the debate on health care reform, that I introduce legislation geared to unifying research, clinical care, and medical initiatives for women. It is essential that Congress recognizes and includes funding for the adequate health care services of women as well as improving programs on women's health in the teaching of health professionals. The legislation will help to promote basic research for diseases unique to women, as well as providing effective health care delivery systems for women.

In summary, Mr. Speaker, I appreciate the opportunity to highlight this critical issue.

EARLY DETECTION METHODS IN AIDS NEED TO BE IMPROVED

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Ms. VELÁZQUEZ. Mr. Speaker, as a Member of Congress from a State with one of the highest incidences of reported AIDS cases—nearly 52,000 in 1992—I see a definite need for improvement in our early detection methods. Many people are afraid to go to a clinic or doctor's office to be tested, either because they do not trust the doctor, or fear that if their test is positive, the information would be given to unauthorized persons. We can help remove that burden of fear through home access to HIV testing. As a strong advocate of education, prevention, and improved resources for treatment, I respectfully submit this editorial to the CONGRESSIONAL RECORD.

The following editorial appeared in El Diario La Prensa of New York City on July 21, 1994.

Last month, the New York State Department of Health took a great step forward in deciding to support new test options for the detection of AIDS. Specifically, it agreed to provide AIDS testing and counseling in the privacy of their home for the individuals who request it.

Unfortunately, the Federal Drug Administration [FDA] has yet not approved this plan, even after 7 years of consideration. On June 22, the FDA conducted yet another study on the plan and decided to create an advisory committee to consider if they should approve the initiative.

Acceso Directo al Diagnóstico [Direct Access to Diagnosis], a New Jersey-based group, is trying to get this initiative approved to facilitate commercialization of tests and counseling services that will allow people to obtain the results of their AIDS tests immediately, at a lower cost and in the privacy of their own homes.

At the June 22 FDA hearing, a group of medical experts, activist's, politicians and AIDS patients, asked the Food and Drug Administration for the immediate approval of AIDS home testing. Some of the witnesses asserted that home testing will reduce costs. Most importantly and according to the majority of witnesses, most of the people that

are tested for AIDS, take the test too late. If the home testing is approved, the fear of discrimination and the loss of privacy would be eliminated. These are the main reasons for which the general public is not being tested for AIDS. Dr. Glenn Tynan, policy director for the AIDS Institute of New York, represented the State at the public hearings in Washington, DC, and voiced his support for the FDA to approve home testing.

This is an issue of vital importance for the Hispanic community. While the Nation may think that this is a homosexual problem, the truth of the matter is that AIDS is the principal cause of death for Hispanic women between 25 and 34 years old in New York and New Jersey. One of the Puerto Rican leaders commented in the hearing:

While politicians are talking about crime and violence in our streets, AIDS is underhandedly stealing a generation of Puerto Rican women and children.

Each day we lose at least a dozen people in the Hispanic community. Since there is no cure for the disease, the home testing is one of our most effective weapons.

It seems like a simple decision.

I ask Doctor David Kessler, Commissioner of the FDA, to approve home testing for the detection of the AIDS virus without further delay. In the Hispanic communities throughout the Nation, this is a matter of life or death.

FEDERAL NUCLEAR WASTE RESPONSIBILITY ACT OF 1994

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. UPTON. Mr. Speaker, the congressional district I represent runs along Lake Michigan's Sunset Coast in western Michigan. It is an area of uncommon beauty, made up of farms and small towns nestled among rolling hills.

This is a prosperous area, for the most part, and much of its prosperity is based upon the availability of energy for heating during our cold winters, cooling during our warm summers and for powering our farms, factories and homes. A large fraction of this energy is provided by nuclear power. There are two nuclear powerplants in my district, several more elsewhere in Michigan. The Palisades plant is operated by Consumers Power while the D.C. Cook plant is operated by American Electric Power.

On the whole, these plants operate reliably and safely. If I didn't think so, the people I love most in this world wouldn't be living near them. No member of the general public has ever been injured by a nuclear powerplant.

The greatest problem facing nuclear power is the high-level radioactive waste produced at every powerplant. This didn't come as a surprise long after nuclear power was developed. Waste was seen as a problem from the earliest days of the nuclear era, when President Roosevelt established the Manhattan project to develop the atomic bombs that ended World War II.

It soon became evident to people of vision that the peaceful use of nuclear power offered great promise. The Biblical allusion to "beating swords into plowshares" was used often and, in his first term, President Eisenhower launched an Atoms for Peace Program to advance development of the peaceful uses of nuclear energy.

The enormous potential that nuclear power offered in the production of electricity was recognized early and first harnessed in Adm. Hyman Rickover's famous submarines. The heat from fissionable nuclear materials was used to boil water; the resulting steam was used to turn turbines to make electricity. There have been refinements, but this fundamental technology is used throughout America and the world to make electricity today. Fully one-fifth of America's electricity is produced by nuclear powerplants.

Hundreds of tons of high-level wastes are created over a reactor's lifetime. Most of these wastes are spent fuel, the residue of electrical production. These wastes are dangerous and must be isolated. Thousands of tons of such waste are piling up at powerplants throughout the Nation. At most such locations, the waste is stored in pools of water. At a small but growing number of sites, it is stored outdoors in so-called dry cask storage.

It is accumulating in these pools and dry casks because there is no other place to put it. Despite years of promises, the Federal Government has yet to live up to its commitments to provide a final resting place for nuclear waste.

In the Nuclear Waste Policy Act of 1982 and its 1987 amendments, Congress directed the Department of Energy to have such a facility available by January 31, 1998. We authorized a special tax electricity to support this facility and about $9 billion has been raised through this tax. Every dime of this money came from electricity consumers.

Strange though it may seem, Mr. Speaker, the Department of Energy has made little progress in developing a waste facility beyond a half-hearted drilling program in Nevada. The Department has admitted that it probably won't be able to accept waste before the year 2010, if not later. Federal officials have no current plans to accept post-reactor waste by 1998 and recently suggested that they had no real obligation to do so.

This is unacceptable to the dozens of communities and thousands of people living in the vicinity of nuclear power plants. While most perceive no immediate threat to public health from either pool or dry cask storage, they would prefer that the waste be stored somewhere else. I share this view and this is why I have introduced the Federal Nuclear Waste Responsibility Act of 1994, H.R. 5057.

Before explaining my bill, however, I want to emphasize that the lack of progress by the Federal Government can be laid on the doorstep of both political parties and many Presidential administrations. The current leadership didn't create this problem, but I hope they will help us to solve it.

My bill makes clear that the Federal Government is obligated to take title to these wastes and to begin taking possession of such wastes by the originally agreed upon date: January 31, 1998. If a permanent repository does not exist by then, and there's little chance it will, the Secretary is directed to establish a program for the interim storage of the wastes on Federal property. Lastly, my bill stipulates that no new power plants be licensed until the Secretary of Energy certifies that there is a facility licensed by the Federal Government to handle the wastes such a facility could be expected to generate.

These are the final days of the 103d Congress, Mr. Speaker, and even a lifelong Chicago Cubs fan like me cannot expect this legislation to be enacted before we adjourn next month. I decided to go ahead and offer this bill, however, as a means of generating and focusing debate on this critical issue. I invite all interested parties to contact me if they have proposals for making this legislation better. Through this process, I hope to introduce an even better bill early in the next Congress.

H.R. 5057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Nuclear Waste Responsibility Act of 1994".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds the following:

(1) The transportation, storage, and disposal of high-level radioactive waste and spent nuclear fuel is a matter of national urgency that is the responsibility of this generation.

(2) The utility generators and owners of high-level radioactive waste and spent nuclear fuel, together with their customers, have met their obligations under the Nuclear Waste Policy Act of 1982 to provide for the cost of siting, licensing, construction, and operation of a Federal waste management system for the transportation, storage, and disposal of high-level radioactive waste and spent nuclear fuel.

(3) Some utilities have now exhausted their spent nuclear fuel pool storage capacity, a total of 26 nuclear power reactors will reach their spent nuclear fuel pool storage capacity by the end of 1998, and approximately 80 nuclear power reactors will be without spent nuclear fuel pool storage capacity by 2010. As a result, utility rate payers face significant costs associated with expanding storage capacity at reactor sites, and continued delay is unacceptable.

(4) Federal efforts to site, license, construct, and operate disposal facilities in accordance with the provisions of the Nuclear Waste Policy Act of 1982 have not met the timetables contemplated by such Act.

(5) The Secretary of Energy has an obligation to take title to and possession of high-level radioactive waste and spent nuclear fuel beginning not later than January 31, 1998.

(6) Notwithstanding the passage of 12 years since enactment of the Nuclear Waste Policy Act of 1982, the payment of more than $8,400,000,000 into the Nuclear Waste Fund during such period, and the additional programmatic direction provided by the Congress in the 1987 amendments to such Act, the projected date of commencement of operations at a repository is, under the most optimistic of assumptions, 2010.

(7) Until a repository is operational, interim storage will continue to be required for high-level radioactive waste and spent nuclear fuel.

SEC. 3. FEDERAL OBLIGATIONS REGARDING HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL.

Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) is amended by

adding at the end the following new paragraph:

"(7)(A) Notwithstanding any other provision of this Act or other law, the terms of the contracts entered into pursuant to this section, or the commencement of operations of a repository, the Secretary shall, by not later than January 31, 1998—

"(i) take title to the high-level radioactive waste and spent nuclear fuel covered by such contracts;

"(ii) begin taking possession of such waste and spent fuel in accordance with the Federal Integrated Spent Nuclear Fuel Management Program established in section 162; and

"(iii) establish an interim spent nuclear fuel storage facility at 1 or more Federal sites.

"(B) The Secretary shall provide not less than 30 days advance notification to the Congress of any inability of the Secretary to meet any deadline specified in subparagraph (A).".

SEC. 4. PERMIT AND LICENSING REQUIREMENTS.

Section 185 of the Atomic Energy Act of 1954 (42 U.S.C. 2235) is amended by adding at the end the following new subsection:

"c. (1) Notwithstanding any other law, no construction permit or combined construction and operating license may be issued for a utilization facility used for the generation of electricity for commercial sale until—

"(A) there is a facility licensed by the Federal Government for the interim storage or permanent disposal of high-level radioactive waste and spent nuclear fuel generated by the utilization facility; and

"(B) the Secretary of Energy certifies that the storage or disposal facility has, or is reasonably expected to have, an adequate volume of capacity to accept all of the high-level radioactive waste and spent nuclear fuel that will be generated by the utilization facility during the reasonably foreseeable operational lifetime of the utilization facility.

"(2) Paragraph (1) shall not apply to any construction permit or combined construction and operating license for which an application is filed before the date of the enactment of this subsection.".

BEST OF AMERICA AWARDS WON BY THE DELSTAR GROUP OF PHOENIX

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. KYL. Mr. Speaker, I am proud to announce that the Delstar Group of Phoenix, a women-owned and operated enterprise of specialty shops throughout the United States, has been named the national winner of the Best of America Awards, sponsored by the National Federation of Independent Business [NFIB] and Dun & Bradstreet.

The Delstar Group is a 22-year-old company that owns and operates 18 retail specialty shops in airports and resorts throughout the United States. Pam Del Duca, Delstar's founder, CEO and president, started the business as a one-person gift and accessory store using money saved working as a school teacher by day and waitress at night. Today, the company employs 157 people, 47 percent of whom are minorities and 67 percent women. In addition, Delstar has forged partnerships with three community-based organizations: The Phoenix Urban League, Chicanos Por La Causa and the Phoenix Indian Center. These partner organizations recruit potential job candidates for Delstar organizations and receive a percentage of the stores' gross sales.

Former President Bush once said, "Americans will do great things, if you only set them free." So will small business, if we free them from the excess burdens of taxation, regulation and litigation. Small businesses employ 60 percent of the private workforce, contribute 44 percent of all sales in the United States and are responsible for 38 percent of gross national product. The fastest growing segment of the small business market is women-owned small business.

I am very proud of the fact that a women-owned small business headquartered in Phoenix has earned recognition as the best small business in America. The Delstar Group is a shining example of the positive relationship a business and community can have. Under the leadership of Pam Del Duca, as the Delstar Group has prospered, it has spent time and money investing in the community and reaching out to minorities and generally being a good neighbor. I applaud her efforts and wish her continued success.

Dun & Bradstreet and the NFIB Education Foundation created the Best of America Awards in 1993 to recognize excellence in small business, especially in the areas of growth, innovation, and community service. This year, the awards program attracted more than 5,000 calls for nominations and accepted approximately 500 applications, representing every State in the Nation, as well as Puerto Rico.

AMENDING STEWART B. McKINNEY HOMELESS ACT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Ms. HARMAN. Mr. Speaker, I am introducing legislation today to provide for greater community involvement under the Stewart B. McKinney Homeless Act.

More specifically, my bill seeks to amend the McKinney Act to ensure that local residents are fully notified and engaged in the process of meeting the needs of a community's homeless population. Equally important, it requires the Department of Health and Human Services to monitor whether approved providers maintain the necessary financial resources to deliver the services they have promised to offer.

Mr. Speaker, before proceeding further let me note that this legislation is based on the recommendations of the California Military Base Task Force appointed by Gov. Pete Wilson and the San Pedro Area Reuse Committee, a volunteer task force consisting of 36 residents in the San Pedro community. I want to acknowledge both of these groups for their tireless efforts to identify solutions to some very troubling issues that have arisen at the Navy's surplus housing site on Taper Avenue and at military sites throughout the Nation.

This legislation, I should note, has been endorsed by Los Angeles Mayor Richard Riordan as well as Governor Wilson.

On July 22, the House of Representatives passed legislation that makes a community's redevelopment authority the driving force in developing an operation plan for surplus housing at a military facility. I was proud to support that legislation, and I hope the Senate will move quickly on its housing reauthorization bill and adopt similar language.

The House language provides for the Department of Defense to complete a Federal screening process of properties. DOD then notifies the local redevelopment authority of the remaining properties and publishes that list in the Federal Register. The local redevelopment authority has 1 year to develop a reuse plan that must address the needs of the homeless in that community. At this point, the redevelopment authority submits its plan to DOD and the Department of Housing and Urban Development. DOD uses this plan as the preferred alternative for disposal of property unless HUD—within 30 days—determines that the plan does not meet the needs of the homeless. If HUD deems the plan unsuitable for the homeless, it must provide a written explanation to both DOD and the local reuse authority. In this case, the local reuse committee is granted an additional 6 months to address HUD's concerns. If the final plan is again found inadequate, HUD begins screening the properties under the McKinney Act guidelines.

Mr. Speaker, my legislation builds on this process in two ways. First, it improves the process by which communities are notified that military housing has been listed in the Federal Register. Residents in my district learned that an 18-acre Navy housing parcel in San Pedro had been listed as surplus only after HHS had approved an application to take over the site.

Under my bill, such a scenario would not be repeated. My bill provides that HUD notify local, State, and congressional representatives by registered mail that a property in their area has been listed in the Federal Register. Notice also must be printed in those newspapers that maintain a sizable readership in the vicinity of a surplus housing facility.

My legislation also ensures that important safeguards occur in the event that HUD determines that military surplus housing is required to meet the needs of a community's homeless population.

Under current law, once the McKinney law takes effect, HHS is under no obligation to certify that an approved provider maintains the necessary financial resources to implement its homeless housing program. This lack of regulatory oversight is a serious problem and one that can result in an unqualified and under-financed provider being awarded a surplus housing contract.

Mr. Speaker, my legislation addresses this problem by insisting that applications for a facility include the following information:

Evidence that use of the building or property is intended to meet the needs of the homeless in the region in which the installation is located;

A description of the homeless in the region who might reasonably be expected to use the building or property;

Certification that the building or property requested is the minimum necessary to meet the needs of the homeless in the region;

A description of the types and cost of any building upgrades that are necessary to use the building or property as proposed and the source of funding for such upgrades; and

A demonstration of the financial capability of the applicant to carry out its proposal through proof of adequate resource availability and evidence of previous successful experience with comparable programs.

Finally, my legislation insists that if competing applications are received for the same building or property located at the military installation to be closed, the Secretary of Health and Human Services shall approve the application that proposes the longer term use of the building or property. This provision, I believe, will promote more adequate investment and facility renovation.

Mr. Speaker, I believe my legislation builds on the process that the House of Representatives has begun of ensuring greater community involvement with the McKinney process. It does not lose sight of the central goal of the McKinney process: addressing the plight of America's homeless. But it insists that this end is best achieved by gaining community consensus and ensuring that the groups charged with homeless care are able to meet their responsibilities.

WALTER FAUNTROY, FORMER CHAIR OF THE CONGRESSIONAL TASK FORCE ON HAITI, PRAISES PRESIDENT CLINTON FOR HIS LEADERSHIP ON HAITI, URGES SUPPORT FOR THE AGREEMENT FASHIONED BY CARTER, POWELL, AND NUNN

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. JACOBS. Mr. Speaker, Walter Fauntroy is one of the finest people who ever served in this House. Here is an example of why.

The Honorable Walter E. Fauntroy, chairman of a bipartisan task force on Haiti for 15 of the 20 years that he served in the United States House of Representatives, today praised President Clinton for the leadership which he gave in the "eleventh hour" to save thousands of lives, and to make democracy and a lasting peace in Haiti possible. Mr. Fauntroy released the contents of a letter he has written to President Clinton both commending him and outlining his views as to "where we go from here."

In a statement released today, the former member of the Congressional Black Caucus and present chairman of the board of directors of the Southern Christian Leadership Conference said:

The Carter Team, in my judgement, has established the framework for not only restoring President Jean-Bertrand Aristide and democratic government to Haiti but also providing the necessary economic recovery assistance that Haiti will need from the international community to place it on the path to ecomonic stability. What is required of us with soon to be 15,000 troops on the ground there, and what is required of Haitians who are serious about bringing about an enduring democracy with justice for all, is one thing: discipline. U.S. leadership must be disciplined to do two things: (1) Support and protect those Haitians who are committed to abiding by the Haitian Constitution while punishing those who by their actions demonstrate that they are not; and (2) Implement an "intelligence gathering" operation by which to determine and arrest those who, by their actions, indicate that they are not committed to democracy as defined in the Haitian Constitution.

Haitian nationals who say they support constitutional democracy must be disciplined to do as President Aristide has suggested: seek reconciliation, not revenge within the frame work of that Constitution. A lot of people on all sides of the dispute in Haiti say they are for constitutional democracy in Haiti; the Carter, Powell, Nunn Agreement gives them an opportunity to do it!

POSITIVE FEATURES OF THE AGREEMENT

The agreement has the following positive features:

(1) Lt. General Cedras, Brigadier General Biamby, and Lt. Colonel Francois will leave power on October 15, 1994.

(2) President Aristide will exercise his constitutional authority to appoint their successors who will have the power to implement the long-desired separation of the functions of the military and the Police, reforming both institutions and retraining those who are willing to submit to the new disciplines.

(3) With 15,000 troops on the ground and adequate intelligence capacity, the U.S. will have the raw, naked power to identify, arrest and remove any police officer, any army officer or enlisted man who violates the constitutionally mandated directives of the commanders appointed by President Aristide. And that includes Lt. General Cedras, Brigadier General Biamby, Lt. Colonel Francois, and any other private citizen found to be acting to undermine the constitutional authority of the Aristide Government. It also includes any supporters of President Aristide who violate the constitutional rights of others in defiance of his exhortation to reconciliation, not revenge.

(4) Millions of Haiti's poor will get speedy humanitarian food and medical relief from the suffering inflicted by the embargo, and we will thus buy the time necessary to place the country firmly back on the road to democracy and the economic stability without which no democracy can survive.

(5) International donor nations and the world's multinational development institutions will have the opportunity to put up or shut up in terms of their commitment to create in Haiti the stable development, trade, and investment environment without which democracy simply cannot flourish. Both I and others have suggested to President Clinton and the international community the level of economic assistance to Haiti that is required in the short term to allow the agreement fashioned by President Carter, General Powell, and Senator Nunn a chance to succeed.

(6) The major benefit to American families is that we got 15,000 of our troops on the ground and in position to support the restoration of democracy without the loss of a single life. If that is to continue, the two disciplines that I have identified for both our leadership and that of President Aristide must be exercised.

It should be noted that a test of the commitment to constitutional government in Haiti for all sides, will be their willingness to abide by Article 41 of the Haitian Constitution, crafted in 1987 by true Haitian patriots upon the departure of Jean Claude Duvalier. For very practical and historical reasons, Article 41 dealing with the Right to Security states in clear and unequivocal terms:

"No person of Haitian nationality may be deported or forced to leave the national territory for any reason. No one may be deprived for political reasons of his legal capacity and his nationality."

In other words, those with contrary views will not be told "love what we do to you or leave." Minority views will be tolerated so long as those who hold them act in a constitutional manner. With that formula, not only were President Carter, General Powell, and Senator Nunn right in allowing the three commanders the option of remaining in Haiti, but we also have the context now for testing and judging everyone's commitment to constitutional government—including both these commanders and pro-Aristide supporters.

Finally, we in the United States must lead by example. We must have the leadership, discipline, and guts to stand by the accord negotiated by President Carter, General Powell, and Senator Nunn and endorsed to the American people by President Clinton. The accord called for lifting without delay the economic embargo that has devastated Haiti, especially the poor. I am concerned by statements by key administration officials that would revise, and therefore, violate the accord reached by President Clinton's negotiating team.

INTRODUCTION OF CENTENNIAL OF FLIGHT COMMEMORATION ACT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. HALL of Ohio. Mr. Speaker, the conquest of flight was one of history's greatest triumphs of technology. The first flight by Wilbur and Orville Wright on December 17, 1903, was the fulfillment of man's ages-old dream to fly. Since that time, the world has never been the same. As much as any other invention in the industrial era, the airplane has changed the course of transportation, commerce, communication, and warfare.

Aviation represents a significant segment of the U.S. economy. According to a study conducted by Wilbur Smith Associates, civil aviation contributed $692.9 billion to the economy in 1991. This sector generated 8.4 million jobs with an annual payroll of $206.6 billion. In addition, aerospace-related spending by the Department of Defense and the National Aeronautics and Space Administration is more than $1 billion annually.

Few inventions have directly touched the lives of Americans as has the airplane. An estimated 77 percent of all Americans have flown on an airplane at least once.

The year 2003 will mark the 100th anniversary of the first flight. It will be a time to mark that historic event and reflect on how aerospace technology has affected our lives. Our Nation can celebrate what the Wright brothers'

achievement represents: American ingenuity, inventiveness, and diligence in developing new technologies. It will also be a time to draw inspiration from the Wright brothers and to renew their values of creativity and daring which are so critical to the future of the Nation.

Because of the significance of aerospace to our economy and way of life, the centennial of the first flight will be celebrated with widespread interest and fanfare. National and international celebrations could be planned by a wide range of aerospace-related organizations, companies, governmental bodies, and educational institutions.

Today, I join my colleague, MARTIN LANCASTER, and a majority of the members of the Ohio and North Carolina congressional delegations in introducing legislation creating the Centennial of Flight Commission to help plan and coordinate the national celebration of the centennial of the first flight. The legislation is similar to laws enacted to help plan major commemorative celebrations connected with other milestones in our Nation's history.

Ohio and North Carolina have a special stake in ensuring a successful national celebration of the Wright brothers' achievement. It was in Ohio that the Wright brothers grew up and constructed the airplane and it was in North Carolina that the first flight occurred.

The Centennial of Flight Commission would be charged with planning, developing, and coordinating programs and activities commemorating the 100th anniversary of the first flight. It would also help coordinate the U.S. participation in international centennial celebrations. The commission would be composed of 25 members, including experts, Federal officials, and private citizens. It would terminate in 2004, the year after the celebration.

In 2003 and the years leading up to it, our Nation will have the opportunity to celebrate one of our great achievements. It will be a time to reaffirm our faith in the Nation's ability to solve nearly impossible problems and fulfill dreams of mankind. The Centennial of Flight Commission is intended to make the best of that celebration.

The text of the legislation follows:

H.R. —

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 "Centennial of Flight Commemoration Act".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) December 17, 2003, is the 100th anniversary of the 1st successful manned, controlled, heavier-than-air, powered flight;

(2) The First Flight by Orville and Wilbur Wright represents the fulfillment of the age-old dream of flying;

(3) the airplane has dramatically changed the course of transportation, commerce, communication, and warfare throughout the world;

(4) the achievement by the Wright brothers was a triumph of American ingenuity, inventiveness, and diligence in developing new technologies, and remains an inspiration for all Americans;

(5) it is appropriate to remember and renew the legacy of the Wright brothers at a time when the values of creativity and daring represented by the Wright brothers are critical to the future of the Nation; and

(6) as the Nation approaches the 100th anniversary of the First Flight, it is appropriate to celebrate and commemorate the anniversary through local, national, and international observances and activities.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Centennial of Flight Commission.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 25 members, as follows:

(A) The Librarian of Congress, or a designee.

(B) The Archivist of the United States, or a designee.

(C) The Secretary of the Interior, or a designee.

(D) The Director of the National Air and Space Museum, or a designee.

(E) The Secretary of Education, or a designee.

(F) The Secretary of Defense, or a designee.

(G) The Secretary of Transportation, or a designee.

(H) The Governor of the State of North Carolina, or a designee.

(I) The Governor of the State of Ohio, or a designee.

(J) The Executive Director of the 2003 Committee, or a designee.

(K) The President of the First Flight Society, or a designee.

(L) The Mayor of Kill Devil Hills, North Carolina.

(M) The Mayor of Dayton, Ohio.

(N) 12 citizens of the United States, appointed by the President, who are not officers or employees of any government, except to the extent that they are considered to be such officers or employees by virtue of their membership on the Commission.

(2) APPOINTMENTS BY PRESIDENT.—Of the individuals referred to in paragraph (1)(N)—

(1) 2 shall be chosen from among persons recommended by the majority leader of the Senate in consultation with the minority leader of the Senate;

(2) 2 shall be chosen from among persons recommended by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives; and

(3) 8 shall be chosen based on qualifications or experience in the field of history, aerospace science or industry, or any other profession that would enhance the work of the Commission and assist in commemorating the accomplishments of the Wright brothers.

(b) TIME OF APPOINTMENT.—Each member of the Commission shall be appointed not later than 90 days after the date of the enactment of this Act.

(c) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.

(d) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(e) COMPENSATION.—

(1) PROHIBITION OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) QUORUM.—13 members of the Commission shall constitute a quorum.

(g) CHAIRPERSON.—The President shall designate 1 of the individuals appointed under subsection (a)(1)(N) as the chairperson of the Commission.

(h) MEETINGS.—The Commission shall meet at the call of its chairperson or a majority of its members.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) plan and develop, in coordination with the First Flight Society, the 2003 Committee, the First Flight Centennial Commission of North Carolina, and the Ohio Wright-Dunbar State Heritage Commission, programs and activities that are appropriate to commemorate the 100th anniversary of the First Flight;

(2) maintain a calendar or register of programs and projects concerning, and provide a central clearinghouse for information and coordination regarding, dates, events, places, documents, artifacts, and personalities of historical and commemorative significance regarding aviation history in general and the First Flight in particular;

(3) coordinate activities with other countries regarding aviation history in general and the First Flight in particular, and promote participation by the United States in such activities;

(4) encourage participation in commemoration of the First Flight by persons and entities including—

(A) aerospace manufacturing companies;

(B) aerospace-related military organizations;

(C) workers employed in aerospace-related industries;

(D) commercial aviation companies;

(E) general aviation owners and pilots;

(F) aerospace researchers, instructors, and enthusiasts;

(G) elementary, secondary, and higher educational institutions;

(H) civil, patriotic, educational, sporting, arts, cultural, and historical organizations and technical societies;

(I) aerospace-related museums; and

(J) State and local governments;

(5) assist in conducting educational, civic, and commemorative activities relating to the First Flight throughout the United States, especially activities that occur in the States of North Carolina and Ohio and that highlight the activities of the Wright brothers in such States; and

(6) develop and coordinate any other activities that the Commission determines to be appropriate relating to the anniversary of the First Flight, which may include the preparation, distribution, dissemination, exhibition, or sale of historical, commemorative, or informative materials or objects, produced by the Commission, that will contribute to public awareness of and interest in the centennial of the First Flight.

(b) NONDUPLICATION OF ACTIVITIES.—The Commission shall attempt to plan and conduct its activities in such a manner that activities conducted pursuant to this Act enhance, but do not duplicate, traditional and established activities of the 2003 Committee, the First Flight Society, the First Flight Centennial Commission of North Carolina, and the Ohio Wright-Dunbar State Heritage Commission.

SEC. 6. POWERS.

(a) ADVISORY COMMITTEES.—

(1) IN GENERAL.—The Commission may appoint any advisory committee that it determines to be necessary to carry out this Act.

(2) PROHIBITION OF PAY OTHER THAN TRAVEL EXPENSES.—Members of an advisory committee authorized by paragraph (1) may receive

pay and travel expenses to the same extent that members of the Commission may receive pay and travel expenses under section (4)(e).

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.

(c) AUTHORITY TO PROCURE AND TO MAKE LEGAL AGREEMENTS.—

(1) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into leases and other legal agreements, in order to carry out this Act.

(2) RESTRICTION.—A contract, lease, or other legal agreement made or entered into by the Commission may not extend beyond the date of the termination of the Commission.

(3) SUPPLIES AND PROPERTY POSSESSED BY COMMISSION AT TERMINATION.—Any supplies and property, except historically significant items, that are acquired by the Commission under this Act and remain in the possession of the Commission on the date of the termination of the Commission shall become the property of the General Services Administration upon the date of the termination.

(d) REQUESTS FOR OFFICIAL INFORMATION.—The Commission may request from any Federal department or agency information necessary to enable the Commission to carry out this Act. The head of the Federal department or agency shall furnish the information to the Commission unless the release of the information by the department or agency to the public is prohibited by law.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as any other Federal agency.

SEC. 7. STAFF AND SUPPORT SERVICES.

(a) EXECUTIVE DIRECTOR.—The chairperson of the Commission, with the advice of the Commission, shall appoint an executive director of the Commission. The executive director may be paid at a rate not to exceed the maximum rate of basic pay payable for the Senior Executive Service.

(b) STAFF.—The Commission may appoint and fix the pay of any additional personnel that it considers appropriate, except that an individual appointed under this subsection may not receive pay in excess of the maximum rate of basic pay payable for GS-14 of the General Schedule.

(c) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except as provided in subsections (a) and (b) of this section.

(d) STAFF OF FEDERAL AGENCIES.—Upon request by the chairperson of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this Act.

(e) EXPERTS AND CONSULTANTS.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at a rate that does not exceed the daily equivalent of the annual rate of basic pay payable under Level V of the Executive Schedule under section 5316 of such title.

(f) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services that are necessary to enable the Commission to carry out this Act.

SEC. 8. CONTRIBUTIONS.

(a) DONATIONS.—

(1) IN GENERAL.—The Commission may accept donations of money, personal services, and real or personal property, including books, manuscripts, memorabilia, relics, objects, and other materials that are related to the Wright brothers or the history of aviation.

(2) DONATED FUNDS.—Any funds donated to the Commission may be used by the Commission to carry out this Act. Funds donated to and accepted by the Commission pursuant to this section shall not be considered to be appropriated funds and shall not be subject to any requirements or restrictions applicable to appropriated funds.

(b) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(c) REMAINING FUNDS.—Any donated funds remaining to the Commission on the date of the termination of the Commission may be used to ensure the proper disposition, as specified in the final report required by section 10(b), of historically significant property donated to or acquired by the Commission. Any such donated funds remaining after such disposition shall be transferred to the Secretary of the Treasury for deposit into the general fund of the Treasury of the United States.

SEC. 9. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.

(a) IN GENERAL.—The Commission may devise any logo, emblem, seal, or descriptive or designating mark that is required to carry out its duties or that it determines is appropriate for use in connection with the commemoration of the First Flight. The Commission shall have the sole and exclusive right to use, or to allow or refuse the use of, the name "Centennial of Flight Commission" or any logo, emblem, seal, or descriptive or designating mark that the Commission lawfully adopts.

(b) EFFECT ON OTHER RIGHTS.—No provision of this section may be construed to conflict or interfere with established or vested rights.

SEC. 10. REPORTS.

(a) ANNUAL REPORT.—In each fiscal year in which the Commission is in existence, the Commission shall prepare and submit to the Congress a report describing the activities of the Commission during the fiscal year. Each annual report shall also include—

(1) recommendations regarding appropriate activities to commemorate the centennial of the First Flight, including—

(A) the production, publication, and distribution of books, pamphlets, films, and other educational materials;

(B) bibliographical and documentary projects and publications;

(C) conferences, convocations, lectures, seminars, and other similar programs;

(D) the development of exhibits for libraries, museums, and other appropriate institutions;

(E) ceremonies and celebrations commemorating specific events that relate to the history of aviation;

(F) programs focusing on the history of aviation and its benefits to the United States and humankind; and

(G) competitions, commissions, and awards regarding historical, scholarly, artistic, literary, musical, and other works, programs, and projects related to the centennial of the First Flight;

(2) recommendations to appropriate agencies or advisory bodies regarding the issuance of commemorative coins, medals, and stamps by the United States relating to aviation or the First Flight;

(3) recommendations for any legislation or administrative action that the Commission determines to be appropriate regarding the commemoration of the First Flight; and

(4) an accounting of funds received and expended by the Commission in the fiscal year that the report concerns, including a detailed description of the source and amount of any funds donated to the Commission in the fiscal year.

(b) FINAL REPORT.—Not later than June 30, 2004, the Commission shall submit to the President and the Congress a final report. The final report shall contain—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission;

(3) any findings and conclusions of the Commission; and

(4) specific recommendations concerning the final disposition of any historically significant items acquired by the Commission, including items donated to the Commission under section 8(a)(1).

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

(a) IN GENERAL.—The Inspector General of the General Services Administration shall audit the financial transactions of the Commission, including financial transactions involving donated funds, in accordance with generally accepted auditing standards. In conducting an audit pursuant to this section, the Inspector General shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit, and shall be afforded full facilities for verifying the financial transactions of the Commission, including access to any financial records or securities held for the Commission by depositories, fiscal agents, or custodians.

(b) REPORT.—Not later than September 31, 2004, the Inspector General of the General Services Administration shall submit to the President and to the Congress a report detailing the results of any audit of the financial transactions of the Commission conducted by the Inspector General.

SEC. 12. DEFINITIONS.

For purposes of this Act:

(1) The term "Commission" means the Centennial of Flight Commission.

(2) The term "First Flight" means the 1st successful manned, controlled, heavier-than-air, powered flight, which was accomplished by Orville and Wilbur Wright on December 17, 1903.

SEC. 13. TERMINATION.

The Commission shall terminate not later than 60 days after the submission of the final report required by section 10(b).

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $500,000 for each of the fiscal years 1995 through 2004.

HUD AND THE FIRST AMENDMENT

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. LEACH. Mr. Speaker, from time to time a governmental policy is promoted which is well-intended but which is so constitutionally unseemly as to demand reconsideration. Such has classically become the case when the Department of Housing and Urban Development implemented a policy to investigate individual and group efforts to organize and petition their local governments in hopes of halting decisions or developments supported by HUD that citizens believed may have an adverse impact on their neighborhood and community. In one case, HUD threatened members of a community group with $100,000 fines and a year in jail unless they turned over everything they have ever written about a proposed project including files, minutes of meetings, and membership lists.

James Madison's thoughts are as appropriate and important today as they were during his time when he stated: "The censorial power is in the people over the Government, and not in the Government over the people."

Because of concerns that HUD overstepped a critical constitutional line by interfering with citizens rights to protest developments that occur in their neighborhoods, I sent a letter to HUD Secretary Henry Cisneros on August 17, 1994, questioning the Department's rationale and the legality of HUD's action.

Given expressed media and congressional skepticism regarding this HUD practice, I felt confident that the Department would recognize the need for corrective action to ensure that proper protection of first amendment rights will be maintained. In fact, HUD dropped the complaint in question and issued "guidelines" designed to protect individuals from certain constitutional infringements

Unfortunately, HUD's loophole-laden efforts do not go far enough in ensuring adequate protection of citizen rights under the first amendment. The new guidelines suggest that HUD will in some instances continue to investigate individuals or groups who take their protests to court or participate in activities before public agencies. And, in an ironic twist, HUD's guidelines suggest the possibility that HUD could hold a local government liable for citizen protest. As one protester commented: "We can now speak, but the city can't listen to us."

Accordingly, I am today introducing a concurrent resolution making clear that no agency of the Government, such as HUD, has the right or power to compromise, suppress, or interfere with the exercise of first amendment rights to freedom of speech, association, and redress of grievances.

Although I realize that there may not be enough time for Congress to consider this concurrent resolution during this session, I would expect the issue to be revisited early in the next Congress if HUD does not appropriately respond.

The oath of office all public officials take is to defend the Constitution, not zealously advance any particular policy, no matter how meritorious. In America process is our most important product. How objectives are obtained is usually as, if not more, important than the objective itself.

While HUD may believe its actions are appropriate and warranted to achieve a given objective, and while the majority in Congress may share that objective and pass statutes seeking same, no part of our Government has the right to divorce regulatory or legislative ends from constitutional means.

Below is the legislation I have introduced today, the above cited letter to Secretary Cisneros, and recent articles from the Wall Street Journal and Washington Post.

H. CON. RES. ——

Whereas the freedom of speech protected under the first amendment to the Constitution of the United States is one of the guiding principles of this Nation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Department of Housing and Urban Development should not take any action that compromises, suppresses, or interferes with the exercise by any individual of the right of free speech, the right of free association, or the right to petition the Government for a redress of grievances through the legislative, executive, or judicial process.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, August 17, 1994.

Hon. HENRY CISNEROS,
Secretary, Department of Housing and Urban Development, Washington, DC.

DEAR MR. SECRETARY: I am writing regarding media reports that the Department of Housing and Urban Development is investigating citizens who oppose the creation of housing for the homeless in their neighborhoods.

The enclosed August 8, 1994, Wall Street Journal indicates that HUD, under the authority of the Fair Housing Act Amendments of 1988, is investigating individuals in Berkeley, California, who protested the location of a homeless shelter near their home. This despite the fact, according to the article, that the protest was made through petitioning a local zoning board.

While I appreciate HUD's obligation to investigate any alleged violation of the Fair Housing Act, I am concerned that the Department's interpretation of the law may in this case be inconsistent with congressional intent. Further, investigations of this sort could potentially have a chilling effect on the willingness of citizens to exercise their constitutionally protected right to petition their government. Accordingly, I would appreciate being provided with HUD's summary of this investigation, information as to whether other similar investigations are now underway, as well as the Department's legal analysis of the appropriateness of such investigations under the Fair Housing Act Amendments of 1988.

Thank you for your attention to this matter.

Sincerely,

JAMES A. LEACH,
Ranking Member.

[From the Wall Street Journal, Sept. 14, 1994]

HUD CONTINUES ITS ASSAULT ON FREE SPEECH

RULE OF LAW

(By Heather MacDonald)

The Department of Housing and Urban Development still doesn't get it. This summer, a national outcry erupted over the agency's investigation of three Berkeley, Calif., residents who had peacefully protested the siting of homeless housing in their neighborhood. Now HUD has issued a set of guidelines intended to avoid such flagrant violations of the First Amendment. Though the new rules correct some of the agency's policies, they contain a loophole large enough to drive a homeless shelter through, as well as other exceptions that suggest that HUD's reign of terror is not over yet.

As reported on the Journal's editorial page on Aug. 8 and Aug. 23, HUD has been investigating individuals and community groups under the Fair Housing Act Amendments of 1938. Organized opposition to homeless shelters, drug-treatment centers and residences for the mentally ill—the theory went—constitutes "housing discrimination" against the disabled. The FHAA defines disability to include recovering addicts, alcoholics, the mentally ill and AIDS patients—in other words, most of the homeless population.

HUD's new guidelines prohibit the investigation of all "public activities that are directed toward achieving action by a governmental entity or official." Such activities include distributing pamphlets, holding open community meetings and testifying at public hearings. If an FHAA complaint alleges only such activities, HUD will not accept it for filing.

HUD will continue to investigate, however, groups or individuals who have taken their protest to court. This loophole eviscerates citizens' last line of defense against local governments that have been captured by the social-service industry. Under pressure from homeless advocates, cities routinely violate their own zoning rules regarding the siting of group homes for alcoholics, addicts and the mentally ill. Citizen challenges to such violations have been a mainstay of HUD's FHAA investigations to date.

For example, Seattle until recently prohibited the placement of social-service facilities within a quarter-mile of each other. Yet in 1992 the city approved the construction of five group homes for addicts and the mentally ill within a single city block. A local neighborhood group sued, charging a violation of the city's dispersion criteria. As a result, HUD has been investigating the group for the last year and could continue to do so under the new guidelines.

Richmond, Va., requires that medical facilities be located in areas zoned for apartment buildings and duplexes. Nevertheless, the city approved the siting of two medical hospices for AIDS patients—funded with a $2 million grant from HUD—in a single-family zone. Neighbors tried to enjoin construction of the hospices. The individuals are now under investigation by Virginia's Office of Fair Housing. HUD's new guidelines would allow the complaining organization to go directly to the federal government for relief.

Ironically, the investigation that caused HUD's recent public-relations fiasco and led to the current guidelines was itself predicated on a zoning suit. The three Berkeley residents argued in court that their local zoning board's approval of a homeless housing project in their neighborhood was marred

by an egregious conflict of interest: The developer's director sat on the zoning board, and though she abstained from the project decision, she argued in its favor before her colleagues. HUD dropped its investigation of the Berkeley residents under public pressure. The next group of litigants may not be so lucky.

Incestuous relations between nonprofit developers and their government overseers have become the norm in cities across the country. And as local governments—often under pressure from HUD—embrace the philosophy of "mainstreaming" dysfunctional individuals into middle-class communities, violations of zoning rules will become more common. HUD's legal-action exception will continue to discourage challenges to municipalities that bend or break the law.

HUD's new guidelines carve out another exception to protected speech: Should citizens carry their activities beyond public agencies, they risk liability under the Fair Housing Act. In New York City, HUD investigated a group of neighbors in Manhattan's Gramercy Park who had allegedly tried to outbid a homeless-housing developer for a private property. The developer recently dropped his complaint against the neighbors, but the theory that free-market competition may violate the Fair Housing Act Amendments remains viable under HUD's new rules.

Third, HUD will continue to investigate individuals and organizations who protest housing decisions if "the facts available to the Department do not reasonably indicate the precise applicability of the First Amendment." In other words, if an advocacy group writes a muddy enough complaint, it can continue to tap into the government's vast coercive power until the "precise applicability of the First Amendment" is determined. HUD's assurance that it will "carefully tailor" such investigations so as to "not unduly chill the exercise of free speech" is ludicrous. The very existence of such investigations, no matter how "tailored," can scare citizens into silence.

Finally, even if HUD formally ceases investigating individuals, it retains a potent tool of indirect censorship: holding a city liable for statements made by its residents. Though HUD has dropped its investigation of the Berkeley Three, it continues to investigate the city itself for their housing protest. Says Joseph Derlinger, one of the three protesters: "We can now speak, but the city can't listen to us."

Shortly before HUD released its new guidelines, Roberta Achtenberg, assistant secretary for fair housing and equal employment, published an article declaring the agency's respect for the First Amendment. She concluded, however, with the prediction that "we can expect more cases" in the future like the investigation in Berkeley. Ms. Achtenberg's assumption that free speech remains in potential conflict with "fair housing" dashes any hope that HUD will interpret its guidelines broadly. Indeed, the new rules have resulted in dismissals of only 11 of HUD's 34 pending investigations against individuals and community groups. HUD Secretary Henry Cisneros should close all loopholes in the guidelines immediately and declare that all neighborhood political activity remains safe from government penalty.

[From the Washington Post, Sept. 14, 1994]

HUD'S ATTACK ON THE FIRST AMENDMENT

(By Nat Hentoff)

I am grateful to Housing and Urban Development Secretary Henry Cisneros and Roberta Achtenberg, his assistant secretary for fair housing and equal opportunity. Every fall, preparing for talks with school kids about the Bill of Rights, I look for a fresh, powerful example of James Madison's legacy to the nation:

"The censorial power is in the people over the Government, and not in the Government over the people."

From time to time in our history, the government has forgotten its place in our constitutional scheme of things, but never in recent years has an agency of the government—HUD—actually canceled the First Amendment right "to petition the Government for a redress of grievances" as well as other forms of free speech.

HUD's purpose was noble, just as Cisneros's motivation was well-intentioned when he proposed last spring that public housing tenants include in their leases a clause allowing the police to break into their apartment without a warrant in a search for guns and hoodlums. The secretary did not understand how anyone could oppose strengthened security in a trade for that technicality, the Fourth Amendment.

This time, he and Achtenberg wanted to make sure that the Fair Housing Act was firmly implemented—over any dissent. Accordingly, when, for example, federally subsidized housing projects for people with histories of substance abuse or mental disorders were proposed for various neighborhoods, HUD rode shotgun on those projects. If some neighbors objected and filed court actions, or wrote letters to public officials, they were rigorously investigated by HUD for discrimination. Membership lists of their organizations were seized, as were copies of correspondence, and all other notes concerning their conspiracy against the government and the Sermon on the Mount.

HUD made clear that the First Amendment would not be allowed to stand in the way of government good deeds in New York, Seattle, New Haven and other cities.

When talking to students, I shall point out that it doesn't matter whether an administration is Republican or Democratic. The urge to keep the people in their place can seize a public official at any time. Also, however, the end of all this—if it has ended—may give the school kids a more bracing view of the free press than they have been getting from adults. If the press had not covered HUD's attempt to revoke the First Amendment, I expect that protesting neighborhood groups would still be having their records subpoenaed—and would still be threatened with heavy fines simply for trying to get a hearing.

I also have a surprise for the students. In Richmond, Va., a neighborhood association objected to the placement of two facilities for AIDS patients in the middle of their neighborhood. The association questioned the legality of the zoning of those facilities. That led to an extensive investigation of that association by the Fair Housing Office of HUD.

The surprise is that—as Mary Ann Hirtz, president of the targeted neighborhood association notes—"the local ACLU, acting in behalf of the Richmond AIDS Ministry, filed a discrimination complaint demanding the investigation."

I have a copy of the complaint to HUD by Stephen Pershing, legal director of the Virginia affiliate of the ACLU. The complaint is that the neighborhood association had the unlawful temerity to file suit in state court to block construction of the residence.

The Virginia affiliate of the ACLU was also exercised over the fact that the opponents of the project "had made public statements designed to foster opposition to the . . . home . . . based on irrational prejudice, fear and animus toward those who will reside there."

Only benign speech has the imprimatur of the Virginia ACLU.

Worse yet, says the ACLU, opponents of the residence "have made statements to the press."

The lesson for the school kids is that not even an ACLU affiliate can be depended on to defend the First Amendment in the face of higher purposes. The national ACLU did, to be sure, tell Ciseros that he had lost his constitutional bearings. But so had the Virginia ACLU.

One large question remains. How did Cisneros and Achtenberg go so dangerously astray, for so long? Did no one else in government slip them a copy of the First Amendment? This was more than a minor attack on the Bill of Rights. Yet Cisneros and Achtenberg acted without public objection from anyone in the entire Clinton administration—including the White House and the Justice Department.